

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013100950

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On May 27, 2014, the parties made their third joint request for continuance of the dates in this matter. Student filed a request for due process on October 28, 2013. The Office of Administrative Hearings (OAH) granted the parties initial joint request for continuance on November 19, 2013. On December 4, 2013, at mediation the parties entered into an interim agreement to conduct independent assessments and agreed to continue the dates in this matter a third time in order to complete the independent assessments, which the parties maintain will assist with the final settlement. By agreement, the prehearing conference was set for June 2, 2014, and the due process hearing was set for June 10-14, 2014. The parties third joint request is made on the grounds that the assessments could not be timely completed due to the unavailability of the assessor and the Student's family due to medical and personal emergencies.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. The parties are notified that no further continuances shall be granted. The matter will be set as follows:

Mediation: Not applicable

Prehearing Conference: August 11, 2014, 3 p.m.

Due Process Hearing: August 18, 2014, 1:30 p.m., August 19, 20, and 21, 2014, 9 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge

IT IS SO ORDERED.

DATE: May 27, 2014

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings