

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014070260

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
REQUEST FOR CONTINUANCE OF
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On August 14, 2014, a telephonic prehearing conference was held before Administrative Law Judge Eileen M. Cohn, Office of Administrative Hearings. Wesley Garlick, Attorney at Law, appeared on behalf of Student. Kristin M. Myers, Attorney at Law, appeared on behalf of District. The PHC was recorded.

Parties' joint request for a short continuance to obtain signatures to settlement agreement resolving all claims is granted.

The parties request a short continuance to obtain all necessary signatures to their written settlement agreement resolving all claims in this matter. The parties represented that they have finalized a written settlement agreement and have circulated the agreement to Student's parents for signature. Mr. Garlick, Student's counsel, anticipates that parents will be available to execute the agreement no later than Wednesday, August 20, 2014.

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. (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 continuance is effective as of the date of the prehearing conference, August 15, 2014.

Prehearing Conference: August 22, 2014 at 1 p.m. (The parties are ordered to file prehearing conference statements no later than noon, August 20, 2014, unless they file a notice of settlement and request for withdrawal by that day.)

Due Process Hearing: August 27, 2014, 9:30 a.m. and August 28, 2014, 9:00 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: August 18, 2014

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings