

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. 2014110693

ORDER FOLLOWING PREHEARING  
CONFERENCE GRANTING REQUEST  
FOR FIRST CONTINUANCE

On January 12, 2015, a telephonic prehearing conference was held before Administrative Law Judge Sabrina Kong, Office of Administrative Hearings. Carolyn Olson, Attorney at Law, appeared on Student's behalf. Mary Kellogg, Attorney at Law, appeared on District's behalf. The PHC was recorded.

Student's counsel requested a first continuance of the hearing from January 20, 2015 for a couple of weeks. District's counsel agreed to a brief continuance.

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).)

ALJ found good cause for granting a first continuance of the matter because of parents' unavailability the week of January 20, 2015, and so parties could participate in further settlement discussions. Student's request for the hearing continuance is granted. All dates are vacated, and this matter will be set as follows:

Mediation: None ordered; voluntary to be set by parties.

Telephonic Prehearing Conference: March 2, 2015 at 1:00 p.m. All parties shall timely file PHC statements.

Due Process Hearing: March 10, 2015 at 9:30 a.m., March 11, and 12, 2015 at 9:00 a.m., and March 16, 2015 at 1:30 p.m., at OAH's office located at 15350 Sherman Way, Suite 300, Van Nuys, CA 91406, and continuing day to day, Monday through Thursday, as needed, at the discretion of the ALJ.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

IT IS SO ORDERED.

DATE: January 12, 2015

/s/

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SABRINA KONG  
Administrative Law Judge  
Office of Administrative Hearings