

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

and

LOS ANGELES UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2021060342

OAH CASE NUMBER 2021080106

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SETTING PREHEARING CONFERENCE AND HEARING

SEPTEMBER 02, 2021

On September 2, 2021, the parties filed with the Office of Administrative Hearings, referred to as OAH, a joint request to continue the hearing in this matter, based upon the unavailability of the parties on the dates for hearing unilaterally assigned by the Office of Administrative Hearings, called OAH, in the Scheduling Order Setting Telephone Prehearing Conference and Due Process Hearing, dated August 26, 2021. The parties requested the same dates, which OAH granted in the August 13, 2021 Order Granting Mediation and Continuance of Due Process Hearing.

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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (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, except for the September 22, 2021 Mediation, from 1:30 to 5:00 PM, are vacated. The continuance request is granted as the parties' unavailability on the hearing dates set unilaterally by OAH in the Scheduling Order due to OAH granting Student's Motion to Amend on August 26, 2021, constitutes good cause, even

though Student did not request to keep the continued hearing dates in the Motion to Amend. This matter will be set as follows:

The videoconference Mediation previously set, will continue to be held using the Microsoft Teams application on September 22, 2021, from 1:30 PM to 5:00 PM.

Prehearing Conference will be held on November 5, 2021, at 10:00 AM.

Due Process Hearing will be held on November 16, 2021, through November 18, 2021. The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with evidence of good cause why it was not possible to file the motion by that date.

PARTICIPANT INFORMATION SHEETS PROVIDING THE EMAIL ADDRESSES OF THE PARTICIPANTS MUST BE FILED TWO DAYS BEFORE THE SCHEDULED EVENT.

IT IS SO ORDERED.

Christine Arden

Christine Arden

Administrative Law Judge

Office of Administrative Hearings