

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

IQ ACADEMIES OF CALIFORNIA – LOS ANGELES,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2021090715

ORDER FOLLOWING PREHEARING CONFERENCE

GRANTING REQUEST FOR CONTINUANCE

OCTOBER 4, 2021

On October 4, 2021, Administrative Law Judge Theresa Ravandi, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Kendra Tovey, Attorney at Law, appeared on behalf of iQ Academies of California, Los Angeles. Parent appeared on behalf of Student. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

STUDENT'S REQUEST FOR CONTINUANCE

Parent did not appear for the PHC at the scheduled time of 3:00 p.m. The OAH case manager called Parent and provided him the call-information for joining the virtual PHC. Parent appeared at 3:15 p.m.

Parent requested a continuance of the hearing on the grounds he did not know about today's appearance or the October 12, 2021 hearing date. Parent indicated he intended to file a request for reconsideration of the September 29, 2021 Order Denying Motion to Dismiss. Parent asked for a three-week continuance of the hearing given his medical needs. iQ Academy opposed the continuance. This is the first request for a continuance.

OAH sent both parties an amended scheduling order on September 23, 2021, correcting dates and clarifying that the PHC would be held at 3:00 p.m. on October 4, 2021, and that hearing would begin on October 12, 2021. Parent acknowledged that OAH used his correct email address but represented that he had not seen this order. On Friday, October 1, 2021, the undersigned sent both parties an electronic invitation to the virtual PHC. Parent indicated he did not receive this invitation. Parent did not file a PHC statement.

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. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

Having considered the circumstances of this case, good cause is found for a short continuance. All dates are vacated. This matter is scheduled as follows:

Prehearing Conference will be held virtually on November 8, 2021, at 3:00 p.m. Parties will again receive an electronic invitation to join the PHC through the Microsoft TEAMS platform.

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

The Due Process Hearing will be held on November 16, 17, and 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.

Parent is advised that OAH will continue to serve Parent with all orders in this matter through the secure electronic delivery system unless Parent requests in writing to decline future electronic service and instead receive paper copies through the mail. Parent was encouraged to review all orders sent to him and contact his case manager if he had trouble accessing those orders. Parent was also reminded of his responsibility to timely file a PHC statement three business days prior to the continued PHC, and what this entailed.

SETTLEMENT

The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately if they reach a settlement or otherwise resolve the dispute before the scheduled hearing.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings