

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
  
PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090099

ORDER GRANTING REQUEST FOR VIDEOCONFERENCE  
  
MEDIATION AND CONTINUANCE OF  
  
DUE PROCESS HEARING

NOVEMBER 01, 2021

On September 2, 2021, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings naming Los Angeles Unified School District. The Office of Administrative Hearings is referred to as OAH.

On October 7, 2021, the parties filed a joint request to schedule mediation and continue the due process hearing. On October 7, 2021, OAH issued an Order Granting Request for Videoconference Mediation and Continuance of Due Process Hearing. The mediation was scheduled for October 26, 2021. Parents cancelled the October 26, 2021

mediation because Los Angeles Unified School District assigned a new representative to participate in the mediation. Parents preferred to participate with the district representative with whom they had been engaged in settlement discussions.

On October 29, 2021, the parties filed a second request to schedule mediation and continue due process hearing. The parties seek a continuance of approximately three weeks to provide them an opportunity to resolve this dispute through mediation.

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).)

Good cause exists to continue this matter. The parties believe a mediation will be useful in reaching a resolution of this dispute without the necessity of hearing and have requested a brief continuance of the hearing for this purpose. The request for continuance is granted for good cause. All previously scheduled dates are vacated. The case shall proceed as follows:

MEDIATION DATE is November 9, 2021, 1:30 pm to 5:00 pm.

MEDIATION will occur via telephone or video.

PREHEARING VIDEOCONFERENCE will be held on November 29, 2021, at 10:00 am.

DUE PROCESS HEARING BY VIDEOCONFERENCE will be held on December 7, 8 and 9, 2021.

ANY CHANGE TO THE PARTICIPANTS' EMAIL ADDRESSES PROVIDED BY THE PARTIES IN THEIR REQUEST MUST BE FILED TWO BUSINESS DAYS BEFORE THE SCHEDULED EVENT.

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.

Prehearing videoconference statements and motions are due to OAH no later than three business days before the prehearing conference or with a showing of good cause why it was not timely filed.

IT IS SO ORDERED

*Jennifer Kelly*

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings