

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 2021100339

ORDER GRANTING REQUEST FOR MEDIATION AND
DENYING REQUEST FOR CONTINUANCE

NOVEMBER 17, 2021

On October 12, 2021, Student filed with the Office of Administrative Hearings, referred to as OAH, a request for a due process hearing, referred to as a complaint, naming Los Angeles Unified School District. On November 10, 2021, Student filed a motion to amend the complaint and an amended complaint. On November 17, 2021, prior to OAH granting Student's motion to amend, the parties jointly filed a request to continue the due process hearing and a request to mediate.

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 and considered all relevant facts and circumstances. The request for mediation is granted. However, the request to continue is denied as parties did not provide good cause for a continuance. OAH granted Student's motion to amend the complaint and issued a new scheduling order. The new prehearing conference and due process hearing dates are after the parties' requested mediation date. If the parties have a conflict with the newly scheduled due process hearing dates, they may resubmit a request to continue with a declaration providing good cause for the continuance.

MEDIATION DATE is December 15, 2021, 1:30 PM to 5:00 PM

MEDIATION will occur via telephone or video.

All prehearing conference and hearing dates are confirmed and shall proceed as calendared according to the November 17, 2021 Scheduling Order.

IT IS SO ORDERED.

Linda Johnson

Linda Johnson

Administrative Law Judge

Office of Administrative Hearings