

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 2021080841

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

DECEMBER 23, 2021

Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, called OAH, on August 25, 2021. A scheduling order issued setting the hearing for October 19, 2021. On October 1, 2021, the parties requested a mediation for November 9, 2021 and a continuance of the hearing to December 14, 2021, which OAH granted. The mediation occurred on November 9, 2021.

On November 29, 2021, Student filed an amended complaint and a motion to amend. OAH granted the amendment, which had the effect of re-setting all applicable

timelines, and the rescheduling of the hearing to the currently-schedule start date of January 25, 2022, five months after the original complaint was filed.

On December 20, 2021, the parties filed a form request for a second mediation and a further continuance, this time to a proposed start date of March 15, 2022, approximately seven months after the original complaint was filed and approximately four months after the amendment. The parties have failed to state good cause, or any cause, for a second mediation or a 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. (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 lack of good cause or any statement of relevant facts and circumstances, the request is denied.

IT IS SO ORDERED.

June Lehrman

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Administrative Law Judge

Office of Administrative Hearings