

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 2021100135

ORDER GRANTING REQUEST FOR SECOND MEDIATION
AND CONTINUANCE, AND SETTING MEDIATION,
PREHEARING CONFERENCE AND HEARING BY
VIDEOCONFERENCE

DECEMBER 16, 2021

On October 15, 2022, Student filed a due process request with Office of Administrative Hearings, referred to as OAH. The parties participated in a mediation before an administrative law judge, called an ALJ, on December 2, 2021. On December 16, 2021, the parties filed a joint request for a second mediation and continuance of hearing based on the parties' desire to hold another mediation after pending assessments of Student are completed and reviewed at an individualized education

program, called an IEP, team meeting scheduled for January 20, 2022. The parties believe these assessment results will facilitate a settlement of this matter.

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 are vacated. The continuance request is granted as the parties' desire to hold a second mediation after the IEP team meets to review

assessment results constitutes good cause for a second mediation and continuance of the hearing. This matter will be set as follows:

Mediation will be held on January 27, 2022, at 9:00 AM to 12:30 PM. The mediation will be held via videoconference using the Microsoft Teams application. Parties must file with OAH a completed Participant Information Form with the participants' contact information at least two business days before the mediation.

Prehearing Conference will be held on March 7, 2022, at 1:00 PM.

Due Process Hearing will be held on March 15, 2022, through March 17, 2022, and will be conducted via videoconference using the Microsoft Teams application. 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 ALJ.

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.

IT IS SO ORDERED.

Christine Arden

Christine Arden

Administrative Law Judge

Office of Administrative Hearings