

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 GRANTING REQUEST FOR CONTINUANCE AND
SETTING SECOND MEDIATION

JANUARY 3, 2022

On August 25, 2021 Student filed a request for due process with the Office of Administrative Hearings, or OAH, against the Los Angeles Unified School District regarding several issues of denial of a free appropriate public education, child find and disability discrimination. The parties requested a continuance to participate in mediation, which was granted on October 4, 2021. Mediation took place on November 9, 2021. Student filed a motion and an amended complaint on November 29, 2021. OAH granted the motion to amend. The Parties submitted a joint request on December 20, 2021 to continue with dates proposed for a second mediation on February 15, 2022 from 9:00 AM to 12:30 PM, a prehearing conference

of March 7, 2022 at 10:00 AM, and hearing dates of March 15-17, 2022. OAH denied the motion on December 23, 2021, for lack of good cause stated.

On December 28, 2021, Student filed a motion to continue this matter, stating good cause based upon Student's counsel's unavailability do to a pre-planned appearance at an educational conference. Student's counsel also requested a second mediation due to the complexity of this case. The motion was supported by counsel's declaration. OAH has received no opposition to the motion.

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 for good cause due to counsel's unavailability.

MEDIATION DATE is February 15, 2022, 9:00 AM to 12:30 PM.

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on March 7, 2022, at time 10:00 AM.

DUE PROCESS HEARING will be held on March 15, 2022, through March 17, 2022.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

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.

June Lehrman

June Lehrman

Administrative Law Judge

Office of Administrative Hearings