

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

WILLIAM R. ANTON ELEMENTARY SCHOOL.

OAH CASE NUMBER 2023110888

ORDER GRANTING REQUESTS FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING CONFERENCE AND
DUE PROCESS HEARING

JANUARY 5, 2024

On January 3, 2024, Parent on behalf of Student filed a request to continue the due process hearing with the Office of Administrative Hearings, called OAH. Parent contends the hearing should be continued because she needs additional time to prepare the case and obtain legal assistance.

On January 3, 2024, Los Angeles Unified School District, the local educational agency responsible for William R. Anton Elementary School, filed a separate request to continue the due process hearing with OAH. Los Angeles contends the hearing should

be continued because the parties would like the opportunity to participate in settlement negotiations.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;
- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or

- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Both parties established good cause to continue the due process hearing, for the purpose of participating in settlement negotiations, and for Parent to obtain legal assistance and prepare her case.

The request is granted. All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on January 11, 2024, at 1:30 PM.

PREHEARING CONFERENCE will be held on February 2, 2024, at 1:00 PM.

DUE PROCESS HEARING will be held on February 13, 2024, through February 15, 2024.

The mediation, prehearing conference, and due process hearing will be held by videoconference unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings