

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 2023120323

ORDER GRANTING REQUEST FOR MEDIATION AND

CONTINUANCE

APRIL 25, 2024

On December 8, 2023, Student filed a Request for Due Process Hearing with the Office of Administrative Hearings, called OAH, naming Los Angeles Unified School District. On April 4, 2024, OAH granted Student's motion to amend. This matter is currently scheduled for hearing beginning May 21, 2024. On April 24, 2024, the parties filed a request for mediation and to continue the hearing schedule.

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).)

OAH encourages mediation. The parties established good cause for a brief continuance so that they can participate in mediation regarding Student's amended

complaint. Given the length of time this matter has been pending, OAH will not be inclined to grant any further continuance absent evidence of exceptional circumstances.

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

MEDIATION will be held on May 15, 2024, from 1:30 PM to 5:00 PM.

PREHEARING CONFERENCE will be held on May 24, 2024, at 1:00 PM.

DUE PROCESS HEARING will be held on June 4, 5, and 6, 2024.

The mediation, prehearing conference, and due process hearing will be held by videoconference or telephone, 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.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings