

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

RENAISSANCE ART ACADEMY AND
LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023120427

ORDER GRANTING REQUEST FOR CONTINUANCE OF
HEARING BY VIDEOCONFERENCE

APRIL 25, 2024

On December 8, 2024, Student filed a request for a due process hearing with the Office of Administrative Hearings, OAH, naming Renaissance Art Academy and Los Angeles Unified School District. On January 8, 2024, OAH granted the parties' joint request to schedule a mediation and continue the due process hearing to May 7, through 9, 2024.

On April 23, 2024, Student filed a request to continue the due process hearing. On April 23, 2024, Renaissance Art Academy and Los Angeles Unified School District

filed their prehearing Conference Statements but have not filed a response to Student's motion to continue the hearing.

Student contends the hearing should be continued because of a medical illness. Student provided documentation from Southern California Gas Company's April 9, 2024 inspection which determined his family was exposed to leaking gas from the stove in their apartment for an undetermined period of time. This exposure resulted in serious medical conditions requiring urgent medical treatment.

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).)

Student established good cause to continue the due process hearing. Student and his family are unavailable for the hearing due to a medical illness requiring urgent treatment and a series of appointments with their doctors.

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

PREHEARING CONFERENCE will be held on May 13, 2024 at 3:00 PM.

DUE PROCESS HEARING will be held on May 21, through 23, 2024.

The 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.

Any further requests for continuances by Student must be supported by documentation establishing good cause.

IT IS SO ORDERED.

Deborah Myers Cregar

Deborah Myers-Cregar

Administrative Law Judge

Office of Administrative Hearings