

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012080684

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE, SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING

On January 8, 2013, the parties filed a joint second request to continue the mediation, prehearing conference, and hearing dates in this matter. Student filed his complaint on August 21, 2012. On October 2, 2012, OAH granted parties' joint request for a continuance, since the parties entered into an interim agreement which included independent educational assessments (IEE's). The parties determined on January 7, 2013, that the speech and language, as well as the augmentative communication (AAC), IEE's were not completed because of contracting issues with the District. Therefore, the parties request a second continuance to assure completion of the IEE's, enabling them to knowledgeably participate in meaningful resolution discussions.

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. (See 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; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing to a short continuance of dates in order to fully evaluate resolution with the benefit of the completed IEE's. Good cause existing therefore, the request is granted.

All dates are vacated. This matter will be set as follows:

Mediation: **March 5, 2013, at 1:30 p.m.**, at the District offices, **333 South Beaudry Ave., 17th Floor, Los Angeles, CA 90017.**

Prehearing Conference: **March 27, 2013, at 1:30 PM.** (The requested PHC date of February 18, 2013, is a legal holiday.)

Due Process Hearing: **April 8, 9, 10, and 11, 2013**, commencing at 1:30 PM. on the first day of hearing, and 9:30 AM on all remaining days. The hearing will take place at the **Office of Administrative Hearings**, located at **15350 Sherman Way, Suite 300, Van Nuys, CA 91406.**

NOTE: In light of the age of the original filings and the inability of the parties to resolve this dispute informally to date, no further continuances are contemplated.

IT IS SO ORDERED.

Dated: January 08, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings