

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. 2013030521

ORDER GRANTING DISTRICT'S  
REQUEST FOR CONTINUANCE AND  
SETTING MEDIATION, PREHEARING  
CONFERENCE AND HEARING

On May 16, 2013, the parties filed a joint request to continue the mediation, prehearing conference, and due process hearing. This is the second request for a continuance since the filing of the complaint on February 13, 2013. On April 12, 2013, Administrative Law Judge (ALJ) Judith Kopec granted the parties' joint request for continuance, issuing an order setting the mediation for May 9, 2013 prehearing conference for June 17, 2013, and hearing for June 24 through 27, 2013.

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).)

It appears that the parties have not been able to mediate this matter. OAH has reviewed the request for continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon continued mediation date. Good cause existing therefore, the request is granted.

The mediation and hearing dates are set as follows:

Mediation: **June 4, 2013, at 9:00 AM, at 333 South Beaudry Ave., Los Angeles, CA 90017**

Prehearing Conference: **July 1, 2013, at 1:30 PM.**

Due Process Hearing: **July 8, 9, 10, and 11, 2013** at 9:30 AM, except for the first day, which shall commence at 1:30 PM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing will take place at **Office of Administrative Hearings, 15350 Sherman Way, Suite 300, Van Nuys, CA 91406**

IT IS SO ORDERED.

Dated: May 16, 2013

/s/

---

CLIFFORD H. WOOSLEY  
Administrative Law Judge  
Office of Administrative Hearings