

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. 2013030819

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On July 18, 2013, Parent on behalf of Student (Student) and the Los Angeles Unified School District (District), through counsel, jointly filed with the Office of Administrative Hearings (OAH) a request to continue and reset the initially scheduled hearing dates in this matter. Student and the District's joint request to continue is based upon the parties reaching a settlement agreement and requiring additional time to finalize the agreement and for Student to observe a school placement.

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 good cause and considered all relevant facts and circumstances. The request is:

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

Mediation: To be determined by the parties.

Prehearing Conference: 10/14/2013, at 10:00 a.m.
Due Process Hearing: 10/21/2013; 10/22/2013; 10/23/2013; 10/24/2013,
and continuing day to day, Monday through
Thursday, as needed at the discretion of the
Administrative Law Judge. The hearing shall begin
at 1:30 p.m. on the first day of hearing, and at 9:00
a.m. on all other days, unless otherwise ordered.

IT IS SO ORDERED.

Dated: July 22, 2013

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings