

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. 2014050023

ORDER FOLLOWING PRE-HEARING
CONFERENCE AND GRANTING
CONTINUANCE OF PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On June 16, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (ALJ) Eileen Cohn, Office of Administrative Hearings (OAH). Hamlet Yarijanian appeared on behalf of Student. Diana Massaria appeared on behalf of the Los Angeles Unified School District (District). The PHC was recorded.

Based on discussion of the parties and the parties' joint initial request for continuance, filed on June 13, 2014, the ALJ issues the following order:

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. The continuance is effective June 16, 2014, the date of the Order. This matter will be set as follows:

Mediation: Not requested (The parties may request a mediation, but are advised to notify OAH at least 10 days in advance of the proposed mediation so that OAH can secure a mediator.)

Prehearing Conference: September 19, 2014, 1 p.m.

Due Process Hearing: September 29, 2014, 1:30 p.m., September 30 and October 1, 2014, 9 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. (The parties are advised that given the length of the continuance OAH is not inclined to grant further continuances absent a showing of good cause.)

IT IS SO ORDERED.

DATE: June 16, 2014

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings