

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014050371

ORDER GRANTING SECOND JOINT
REQUEST FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING
CONFERENCE, AND DUE PROCESS
HEARING DATES

On September 16, 2014, the parties filed a second joint request to continue the mediation, prehearing conference, and due process hearing dates in this matter, so that the parties can complete assessments and an individualized education program meeting pursuant to an interim agreement.

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. No further continuances shall be granted except under the most exigent circumstances and, in particular, no further continuances shall be granted based upon delay in performing the interim agreement. This matter will be set as follows:

Mediation: October 16, 2014, at 1:30 p.m.
Prehearing Conference: October 31, 2014, at 10:00 a.m. (**Note change in time. OAH does not hold PHC's at 11:00 a.m.**)
Due Process Hearing: November 12-13, 2014, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. Unless otherwise ordered, hearing to commence at 1:30 p.m. on November 12, 2014.

IT IS SO ORDERED.

DATE: September 16, 2014

/s/

ELSA H. JONES
Acting Presiding Administrative Law Judge
Office of Administrative Hearings