

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. 2014070235

ORDER GRANTING JOINT REQUEST
FOR FIRST CONTINUANCE AND
SETTING PREHEARING
CONFERENCE AND HEARING

On August 15, 2014, the parties filed a joint first request to continue the dates in this matter to agreed dates in the near future. The parties also requested a second mediation.

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).) The Office of Administrative Hearings (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 in part and DENIED in part:

The joint request for continuance of prehearing conference and hearing dates is granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: September 22, 2014 at 10:00 AM

Due Process Hearing: October 7-9, 2014 at 9:30 AM the first day, 9:00 AM after, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

The parties participated in mediation in this matter with an experienced mediator provided by OAH on August 14, 2014, and the matter was not resolved. No explanation was given by the parties for the request that further time, effort and State resources be expended in a second mediation. Therefore, the request for a second mediation is denied.

IT IS SO ORDERED.

DATE: August 15, 2014

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings