

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT, ABC UNIFIED SCHOOL
DISTRICT, AND CALIFORNIA
DEPARTMENT OF EDUCATION.

OAH Case No. 2015020992

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION AND DUE PROCESS
HEARING

On October 13, 2015, ABC Unified School District made an oral motion at the beginning of the due process hearing to continue the dates in this matter based upon the production of voluminous documents by College Park Hospital in response to a subpoena duces tecum issued by California Department of Education and the need for the parties to review the documents. No other party opposed the motion, and the parties cooperated to select dates for the continued hearing. The parties also discussed possible locations for the continued hearing and reached agreement about conducting the hearing at ABC Unified School District's office.

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).)

The ALJ reviewed the request for good cause and considered all relevant facts and circumstances. At hearing, the motion was granted. This matter was set as follows:

Mediation: October 21, 2015, at 9:30 a.m. to 4:30 p.m.
The mediation will be held at:
ABC Unified School District
16700 Norwalk Blvd
Cerritos, CA 90703

Due Process Hearing: October 28, 2015, at 9:30 a.m., and October 29,
November 3, and November 4, 2015 at 9:00 a.m.,
and continuing day to day, Monday through
Thursday, as needed at the discretion of the
Administrative Law Judge. The due process
hearing will be held at:
ABC Unified School District
16700 Norwalk Blvd
Cerritos, CA 90703

IT IS SO ORDERED.

DATE: October 13, 2015

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings