

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. 2015080899

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING

Student filed a due process hearing request naming District on August 14, 2015. The matter was initially set for hearing on October 8, 2015. On September 10, 2015, the Office of Administrative Hearings granted the parties' joint request to continue the initial hearing date in this matter, and set the matter for hearing on October 27-29, 2015. On October 1, the parties filed a joint request for a second continuance of the hearing dates in this matter, to December 1, 2015, on grounds that the parties had agreed to assessments of Student that might resolve this matter which were scheduled to be completed and reviewed at an individualized education program team meeting on November 3, 2015. The parties also requested that OAH schedule mediation in the matter on November 10, 2015.

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. Good cause is shown to grant the parties' joint request to continue the

hearing to a date 55 days after the initial hearing date to complete and have Student's IEP team review assessments that may resolve the matter. The request is:

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

Mediation:	11/10/2015 at 1:30 p.m.
Prehearing Conference:	11/20/2015 at 10:00 a.m.
Due Process Hearing:	12/1-3/2015, commencing at 9:30 a.m. on December 1, 2015, and at 9:00 a.m. on all other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: October 02, 2015

/s/

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings