

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. 2013120458

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

On March 26, 2014, the parties jointly filed a request to continue the dates in this matter and requested that OAH set a second mediation date. This matter was originally filed on December 10, 2013, the parties mediated on January 21, 2014, and the parties received a continuance on January 23, 2014. The parties now assert that new assessments of Student have been completed, an individualized education program (IEP) meeting was recently held, and the parties need additional time to work toward a resolution of the complaint.

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 parties have demonstrated good cause for a further continuance. However, given the date on which this matter was originally filed, OAH does not contemplate granting any further continuances. Further, the parties have not given sufficient notice to OAH for the mediation date requested and therefore an alternate date has been provided. The parties may request a different date for mediation providing that the proposed new date falls after the date set below. This matter will be set as follows:

Mediation:	April 8, 2014 at 1:30 PM – <b>PLEASE NOTE THE CHANGE OF DATE</b>
Prehearing Conference:	April 18, 2014 at 3:00 PM
Due Process Hearing:	April 28, 2014 at 1:30 p.m., April 29 and 30, 2014 at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: March 26, 2014

/s/  
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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings