

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. 2011070331

ORDER DENYING THIRD REQUEST
FOR CONTINUANCE

On November 30, 2011, the parties filed a third request for a continuance, having previously been granted continuances on August 17, 2011, and September 7, 2011 at the first mediation, which resulted in an interim agreement. The parties are now requesting an additional continuance of the hearing of approximately 90 days.

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); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is denied. The parties have failed to demonstrate good cause. The parties reached an interim agreement on September 7, 2011, and now, nearly 90 days later are seeking a further continuance on the ground that they are “actively engaged” in settlement discussions and want to conduct assessments in January of 2012 as part of those discussions. No explanation is given for why assessments were not conducted in the nearly 90 days since the interim agreement. While settlement is laudable, the IDEA does not contemplate that due process hearing requests will remain on calendar

IT IS SO ORDERED.

Dated: November 30, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings

