

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. 2011090643

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PHC/HRG

On January 12, 2012, the parties filed a “Stipulation of the Parties to Continue Pre-Hearing Conference ...”, which, in addition to stipulating to later dates for PHC statements and exchange of documents, asked that the PHC be held on the first scheduled day of hearing. The motion is interpreted as a request for a continuance because to grant it requires vacating a hearing date.

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 granted, as is the request to file PHC statements by January 27, 2012 at noon. The telephonic PHC shall take place on January 30, 2012 at 10:00 a.m., and the hearing shall take place on February 1-2, 2012 at 9:00 AM.

IT IS SO ORDERED.

Dated: January 12, 2012

/s/

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