

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. 2011101042

ORDER DENYING REQUEST FOR
CONTINUANCE OF MEDIATION
DATE

On December 5, 2011, the parties filed a “request for continuance of initial mediation date” asking for OAH to schedule mediation on January 17, 2012 at 9:00 a.m., the date and time hearing is set to begin. The parties had cancelled two prior mediation dates. No explanation was given for the request and other hearing dates were not requested.

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. Although parties have the right to request mediation even after a hearing has begun, OAH does not take hearing dates “off calendar” unless there is a fully executed settlement agreement pending school board approval. If the parties are seeking a mediation date before hearing, it should be prior to the PHC. If they are seeking a continuance of all dates, they must submit proposed, agreed-upon dates and an explanation of why there is good cause to grant a continuance. Accordingly, the request is denied.

IT IS SO ORDERED.

Dated: December 06, 2011

/s/

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