

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES COUNTY OFFICE OF
EDUCATION.

OAH CASE NO. 2011120539

ORDER GRANTING REQUEST FOR
ONE DAY CONTINUANCE OF
HEARING

On February 27, 2012, Student filed a request for the hearing to “go dark” on the first day, so that Student’s attorney could represent a different student in another pending OAH hearing. LACOE does not object. OAH interprets the request as a request for a continuance.

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. The hearing in this matter shall begin at 9:30 AM on March 13, 2012, and shall continue through March 15, 2012, unless otherwise ordered by the hearing ALJ. To the extent LACOE’s counsel may have a conflict due to jury duty on March 14, 2012, that issue should be addressed to the hearing ALJ on the first day of hearing. Similarly, OAH does not calendar hearings on Fridays as requested. However, the hearing ALJ has discretion to set the matter for a Friday hearing date if necessary and convenient. The parties may discuss with the hearing ALJ whether the matter can be heard on Friday, March 16, 2012.

IT IS SO ORDERED.

Dated: February 27, 2012

/s/

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