

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. 2013030913

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

On July 3, 2013, the parties filed a second joint request for continuance of the prehearing conference and due process hearing dates in this matter. The parties requested a short, one week, continuance. They represented that they are close to settlement, but need additional time to explore placement options before the settlement can be finalized. Student represented that he has moved the case forward to hearing by dismissing all parties except Los Angeles Unified District.

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 because the parties requested a very short continuance consistent with their representations that settlement is pending the review of placement options, and Student continued to move the case forward to hearing by dismissing all but one party. :

Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: July 15, 2013 at 3 p.m.

Due Process Hearing: July 23, 24, and 25, 2013, at 9 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. [This is the second continuance, and based upon the representations of the parties that it is needed only to finalize settlement, further continuance requests are discouraged and, if submitted, will be disfavored.]

IT IS SO ORDERED.

Dated: July 03, 2013

/s/

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EILEEN COHN  
Administrative Law Judge  
Office of Administrative Hearings