

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. 2013090223

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

On March 7, 2014, the parties jointly filed request to continue the hearing dates in this matter. The complaint was filed on September 9, 2013. OAH granted a joint for continuance on September 18, 2013. Student filed an amended complaint on December 3, 2014. The parties jointly requested a continuance on December 6, 2013, which was granted on December 9, 2013. The matter is currently scheduled for hearing on March 24, 2014. The parties base their current request on their claim that they are participating in settlement negotiations and require more time to complete their negotiations.

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. All dates are vacated. The parties have requested a thirty day continuance to allow them to continue and possibly finalize settlement negotiations. This matter, as amended in December 2013, will be more than six months old at the time of the requested hearing date. The parties have had ample time to discuss settlement and resolve the matter. Accordingly, OAH contemplates no further continuances in this matter.

This matter will be set as follows:

Prehearing Conference: April 11, 2014, at 1:00 PM.

Due Process Hearing: April 28, 29, 30, and May 1, 2014, continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The first day of hearing will begin at 1:30 p.m., and all other hearing days shall begin at 9:00 a.m. unless otherwise ordered.

IT IS SO ORDERED.

DATE: March 7, 2014

/s/

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings