

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. 2011010326

ORDER DENYING REQUEST FOR  
CONTINUANCE

On November 17, 2011, the parties filed a stipulated fourth request for a continuance that if granted, would result in the hearing occurring approximately 15 months from the date the due process hearing request was filed. The grounds give were that, despite the three prior long continuances that had been granted, the parties still had not completed assessments associated with their settlement 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); 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. The failure to complete assessments and conduct settlement negotiations is not good cause for a continuance when the parties have had three prior lengthy continuances on this ground that have resulted in hearing dates almost a year from the date of filing. Further, the parties were expressly advised at the time of their third continuance request that no further continuances would be granted on this ground. The matter shall proceed to hearing as scheduled.

IT IS SO ORDERED.

Dated: November 18, 2011

/s/

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