

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. 2011070349

ORDER DENYING THIRD REQUEST
FOR CONTINUANCE

On February 29, 2012, the parties filed a third request for a continuance of approximately 60 days. The sole reason given was that after the parties selected the hearing dates, OAH announced that it is dark for mandatory training during the last two of the six currently calendared hearing dates. The matter is currently set for hearing April 9-12, 2012 at 1:30 p.m. the first day, and April 16 and 17, 2012. OAH is dark April 16 -20, 2012.

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); see also 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. Good cause for a third lengthy continuance has not been shown. This matter was filed over seven months ago, and the parties have had two lengthy continuances. The prehearing conference is scheduled for March 28, 2012, at which time the parties and the ALJ can add mutually agreed dates that predate the current ones, or, at the discretion of the ALJ, April 13, 2012, or for the week of April 23-26, 2012. If the parties cannot agree on dates OAH will assign them as close to April 16 and 17 as possible. Nothing in the IDEA or APA requires continuous hearing weeks. Thus, the third continuance request is denied for failure to show good cause. Further continuance requests are not contemplated given the age of this matter.

IT IS SO ORDERED.

Dated: March 01, 2012

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge
Office of Administrative Hearings