

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. 2011080811

ORDER GRANTING REQUEST FOR
CONTINUANCE IN PART

On February 3, 2012, the parties filed a stipulated request for a continuance on the ground that they had reached agreement on settlement terms and expected to resolve the matter within the next week. Despite the above, the parties requested hearing dates in the first with of April without explanation for why the hearing could not start in February given that it is set for three consecutive weeks in February.

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. However, given the age of this matter and the parties' representation that they need one week to complete settlement negotiations, the continuance will only be to existing hearing dates at the end of February, which will provide the parties with an additional two weeks to complete negotiations. All existing hearing dates are vacated with the exception of February 27-28, 2012, at 1:30 p.m. on the first day. If the parties fail to settle, additional hearing dates will be set at the start of the hearing.

IT IS SO ORDERED.

Dated: February 03, 2012

/s/

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