

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:
LOS ANGELES UNIFIED SCHOOL
DISTRICT,
v.
PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011100795

ORDER GRANTING REQUEST TO
CONTINUE PHC ONLY TO
NOVEMBER 30, 2011 AT 1:30 P.M.

On November 22, 2011, Student, through an attorney, filed a request for a continuance. The attorney stated he had just learned of this matter on November 17, 2011 and that he would no longer be representing Student after November 28, 2011. The attorney requested dates in January to allow Student's Mother time to hire an attorney. The request for continuance did not explain why Student's Mother has not participated in any OAH proceeding including mediation and a prehearing conference. District opposed the motion on the ground that Student's Mother had not participated at all to date, no attorney has actually been hired, and that District is entitled to a quick hearing on the question of the appropriateness of Student's program.

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 .)

The request for continuance did not demonstrate good cause as it failed to fully address Mother's failure to participate in this matter to date and failed to show what realistic steps Mother has taken to be prepared for the hearing. Because no attorney is actually representing Student, the request is granted only as to the telephonic prehearing conference, which shall be held on Wednesday, November 30, 2011 at 1:30 p.m. At that time, Student's Mother is expected to appear (OAH will make the call) and explain her failure to participate in the proceedings. Student's Mother should also be prepared to discuss what, if anything, she has done to retain an attorney, or prepare for the hearing. At the prehearing conference, Student's Mother may renew the continuance request. The prehearing conference will be held with a Spanish language interpreter. The hearing dates remain on calendar.

IT IS SO ORDERED.

Dated: November 23, 2011

/s/

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