

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. 2011120045

ORDER GRANTING SECOND  
REQUEST FOR CONTINUANCE (NO  
FURTHER) AND SETTING  
MED/PHC/HRG

On April 18, 2012, the parties filed a second stipulated request to continue all dates and schedule a second mediation. The reason given was that the parties wished to conduct further assessments as part of 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) & (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. However, no further continuances are contemplated given the age of this case. The parties will have had ample opportunity to have conducted assessments and settlement negotiations. Further, by stipulating to summer dates, the District is presumed to be representing that all necessary personnel are available for hearing. All dates are vacated. This matter will be set as follows:

Mediation: June 14, 2012 at 9:00 AM  
Prehearing Conference: June 27, 2012 at 10:00 AM  
Due Process Hearing: July 9-12, 2012 at 1:30 PM first day, 9:00 AM after.

IT IS SO ORDERED.

Dated: April 19, 2012

/s/

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