

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. 2011120772

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MED/PHC/HRG

On January 3, 2012, Student's Mother filed a request for a continuance of all dates to Mediation on Monday, January 30, 2011, prehearing conference on Monday, March 26, 2012, and hearing on Thursday, March 29, 2012. The motion did not contain any information about whether Student's Mother had attempted to contact the District to discuss mutually agreeable dates. On January 6, 2012, District filed a response in which it did not oppose a continuance, but disagreed with the proposed dates based on District availability and the length of time needed for District to present its case in this District-filed matter. As discussed below, Student's request for a continuance is granted, but to the dates requested by District.

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 granted. However, OAH does not conduct mediations on Mondays, such as January 30, 2012, requested by Student. Accordingly, District's requested mediation date will be used. As to the hearing date, District has represented it is not available on March 29, 2012, but is available for a continuous three day period in April. Because District will have the burden of proof at hearing, is not available on March 29, 2012, and OAH does not calendar on Fridays, making a Thursday hearing start date inconvenient for a multiple-day hearing, District's dates for PHC and hearing will be used as well. This matter will be set as follows:

Mediation: January 31, 2012 at 1:30 PM
Prehearing Conference: April 9, 2012 at 1:30 PM
Due Process Hearing: April 17-19, 2012 at 9:00 AM

IT IS SO ORDERED.

Dated: January 09, 2012

/s/

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