

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. 2012030472

ORDER FOLLOWING HEARING ON
ORDER TO SHOW CAUSE AND
GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION/PRE-HEARING
CONFERENCE/DUE PROCESS
HEARING

On May 9, 2012, Administrative Law Judge Adrienne L. Krikorian held a telephonic hearing on the May 2, 2012 Order to Show Cause (OSC). Mother appeared on Student's behalf. Attorney Julie Hall-Panameno appeared on District's behalf. The hearing was recorded.

Mother satisfactorily explained the reasons for her non-appearance at the May 2, 2012 pre-hearing conference to avoid dismissal under the OSC. The parties jointly requested that OAH schedule mediation and continue the pre-hearing conference and hearing dates in order to allow them additional time to discuss resolution of the matter.

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 continuance for good cause and considered all relevant facts and circumstances. The request is:

Granted. All dates are vacated. This matter will be set as follows:

Mediation: May 31, 2012 at 9:00 AM at 333. S. Beaudry Avenue, 17th Floor, Los Angeles, CA 90017

Prehearing Conference (Telephonic): July 9, 2012 at 10:00 AM

Due Process Hearing: July 18 and 19, 2012 at 9:30 AM

IT IS SO ORDERED.

Dated: May 9, 2012

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings