

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. 2012040743

ORDER GRANTING FIRST REQUEST  
FOR CONTINUANCE AND SETTING  
PHC/HRG

On June 4, 2012, the parties filed a stipulated request to continue the PHC and hearing to mutually agreed dates within 90 days of the original hearing date. No mediation was requested.

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. All dates are vacated. No mediation was requested, however, the parties should be aware that failure to attend mediation will not necessarily be considered good cause for further continuances. This matter will be set as follows:

Mediation:	Cancelled and new date not requested. Parties may contact OAH to request mediation on a mutually agreed date prior to hearing.
Prehearing Conference:	September 5, 2012 at 1:30 PM [NOTE: Date changed. Requested date was a holiday.]
Due Process Hearing:	September 11-13, 2012 at 9:00 AM

IT IS SO ORDERED.

Dated: June 04, 2012

/s/

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