

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. 2012070831

ORDER GRANTING SECOND
REQUEST FOR CONTINUANCE AND
SETTING PHC/HRG

On November 20, 2012, the parties filed a stipulated second request for a continuance on the grounds that settlement was possible, Student's attorney had a conflict with another OAH hearing, and that although Student's attorney would be available in late December, District witnesses would not due to District's winter break.

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. However, further continuances are not contemplated for any reason as the parties will have had ample time for settlement discussions and are responsible for ensuring that they are available for hearings on dates they request. This matter will be set as follows:

Mediation: N/A

Prehearing Conference: January 16, 2013 at 1:30 PM

Due Process Hearing: January 29-31, 2013 and February 5-7, 2013 at 9:30 AM each day, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

[NOTE: Additional hearing dates added based on allegations in complaint and prior continuance request seeking six hearing days.]

IT IS SO ORDERED.

Dated: November 21, 2012

/s/

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