

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012120571

ORDER DENYING REQUEST FOR  
CONTINUANCE AND SETTING  
SETTLEMENT CONFERENCE

On April 2, 2013,<sup>1</sup> the parties filed a request to continue the prehearing conference and hearing in this matter on the unsupported assertion that they wished to attend a settlement conference prior to hearing. This matter has already been continued once. No explanation was given for why, during the months the case has been on file, the parties cancelled a scheduled mediation, and did not request mediation or a settlement conference at any earlier time.

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 denied. The parties have not shown any good cause reason for why this matter should be continued, and have already filed prehearing conference statements, indicating that they are ready to proceed. No further requests for continuance

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<sup>1</sup> April 1, 2013 was a state holiday.

shall be filed and the parties shall be prepared to proceed as scheduled, except as discussed below.

The parties have requested a settlement conference on April 9, 2013, the first scheduled day of hearing, before ALJ Judith Pasewark. This request is granted. The settlement conference will begin at 9:30 a.m. at the District's office, the same location for hearing. However, the hearing shall proceed on April 10, 2013, and continue day to day, Monday through Thursday, if the matter is not settled in full on April 9, 2013.

IT IS SO ORDERED.

Dated: April 02, 2013

/s/

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