

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT & VICTOR VALLEY UNION  
HIGH SCHOOL DISTRICT.

OAH CASE NO. 2013060065

ORDER DENYING REQUEST FOR  
CONTINUANCE

On July 12, 2013, Student and Los Angeles Unified School District filed a stipulated request for a continuance of all dates. The request was made on an OAH form used for stipulated continuances, rather than opposed continuance requests, and the request did not address Victor Valley Union High School District's position. In addition, the request did not contain a proof of service showing that Victor Valley Union High School District had even been served with the request.

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. All hearing dates and timelines shall proceed as calendared. Here, two of the three parties have requested a continuance of the hearing dates. However, the parties did not appear to have conferred with the other respondent regarding new hearing dates as required by OAH, nor does it appear the other respondent was served with the request. The parties may re-submit the request to continue after they have agreed upon hearing dates with the other respondent, or may file an opposed motion setting forth a good cause reason for the continuance if the other respondent is objecting. Any further motions shall be accompanied by proof of service on all parties.

IT IS SO ORDERED.

Dated: July 15, 2013

/s/

---

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