

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. 2013080467

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
MED/PHC/HRG

On September 16, 2013, the parties filed a request to continue the dates in this matter. The parties agreed to a date for mediation within 30 days of the initial date set. The dates proposed by the parties for the due process hearing are not within 90 days of the initial hearing dates. No explanation was offered for the failure to request dates within 90 days. Moreover, the dates requested fall within published dates OAH has scheduled statewide training.

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. To timely conduct the due process hearing consistent with OAH scheduling policy, the matter will be set as follows:

Mediation: October 10, 2013, at 1:30 p.m.
Prehearing Conference: December 9, 2013, at 3:00 p.m.
Due Process Hearing: December 17-19, 2013, at 9:00 a.m., and continuing
day to day, Monday through Thursday, as needed at
the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: September 16, 2013

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings