

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. 2014090667

ORDER DENYING JOINT REQUEST
FOR SECOND CONTINUANCE

On September 18, 2014, Student filed a Request for Due Process, naming Los Angeles Unified School District (District). The parties cancelled the scheduled October 23, 2014 mediation. On October 30, 2014, the Office of Administrative Hearings granted the parties' joint request for continuance, setting mediation for November 13, 2014, a prehearing conference for November 24, 2014, and hearing for December 3 and 4, 2014. The parties cancelled the November 13, 2014 mediation. On November 17, 2014, the parties filed a joint request for a second continuance of the mediation, PHC, and hearing.

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.

Here, the parties ask for a second continuance because they would like more time to discuss settlement. However, OAH has scheduled two mediations and the parties cancelled both opportunities to discuss settlement, which is inconsistent with the parties' assertion that

they want more time for settlement dialogue. The parties have not demonstrated good cause for a second continuance of the hearing

Please note: As clearly indicated on OAH's public calendar, OAH is dark the entire week of January 26, 2015. Therefore, the parties did not discuss and agree upon new hearing dates, consistent with the OAH calendar.

IT IS SO ORDERED.

DATE: November 19, 2014

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings