

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. 2014090938

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
CONTINUANCE OF MEDIATION,
PREHEARING CONFERENCE, AND
HEARING – FINAL CONTINUANCE

Student filed his original due process hearing request in this matter on September 24, 2014, alleging that District denied Student a free appropriate public education by failing to offer Student a therapeutic residential placement during the 2012-2013 and 2013-2014 school years. On November 7, 2014, OAH granted the parties' joint request for a first continuance. On February 9, 2015, OAH granted Student's motion to file an amended complaint to add allegations that District at a November 3, 2014 individualized education program meeting improperly denied Student's request for a residential placement for the remainder of the 2014-2015 school year, and set new mediation, prehearing conference, and hearing dates. On March 12, 2015, the parties filed a joint request for a first continuance of the prehearing conference and hearing dates set with respect to Student's amended complaint.

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. The existing PHC and hearing dates are vacated. This matter will be set as follows:

Mediation (No Change):

Date: 03/17/2015
Time: 9:00 a.m. to 12:30 p.m.
Place: Los Angeles Unified School District
333 South Beaudry Avenue, 17th Floor
Los Angeles, CA 90017

Telephonic Prehearing Conference:

Date: 05/8/2015
Time: 10:00 a.m.

Due Process Hearing:

Date: 05/18-21/2015
The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
Time: 1:30 p.m. on May 18, 2015, and 9:00 a.m. each day thereafter.
Place: Office of Administrative Hearings
15350 Sherman Way, Suite 300
Van Nuys, CA 91406

No further continuance of the hearing date is contemplated for any reason as the parties have had more than ample time to negotiate and/or prepare for hearing given the age of these matters and the similarity of issues raised in the original and amended complaints.

IT IS SO ORDERED.

DATE: March 12, 2015

/s/

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings