

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. 2011010371

ORDER DENYING DISTRICT'S
MOTION TO DISMISS; GRANTING
REQUEST FOR CONTINUANCE AND
SETTING MED/PHC/HRG

On April 20, 2011, District filed a Motion to Dismiss Student's due process hearing request on the ground that Student had not attended a resolution meeting as required by IDEA. Specifically, District contended that although it was willing to waive the resolution meeting if Student attended mediation, Student had not attended the previously scheduled mediation. On April 25, 2011, the parties filed a stipulated request for a continuance that includes an agreed-upon date for mediation. Because it now appears that the parties have agreed to attend mediation, and District is willing to waive the resolution session if mediation goes forward, District's Motion to Dismiss will be denied at this time. The denial is without prejudice to District refileing the Motion to Dismiss if mediation does not occur.

As to the second continuance request, it will be granted. The parties represented that a continuance was required because Student was ill, and have agreed to new dates. 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); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); see also Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is granted. All dates are vacated. The following new dates apply: Mediation – 5/10/11 at 9:30 a.m.; Prehearing Conference – 6/6/11 at 10:00 a.m., and Due Process Hearing – 6/13-16/11 at 1:30 p.m. the first day, 9:00 a.m. after.

IT IS SO ORDERED.

Dated: April 25, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings

