

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. 2013100426

ORDER GRANTING THIRD REQUEST
FOR CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING

On February 19, 2014, the parties filed a stipulated third request for continuance of this matter. The grounds were that Student was scheduled for surgery on the first currently-scheduled hearing day, March 3, 2014. Although no information was provided as to the anticipated recovery time for the surgery, the parties requested a seven-week continuance to April 22, 2014. The parties also requested a mediation date prior to the new hearing dates. The parties had previously continued this matter twice, once on November 19, 2013, and again on January 21, 2014. This matter will be continued due to Student's health issue, which constitutes good cause, however given the age of this matter and the lack of any justification for the seven weeks requested, a shorter period only is granted. No mediation date is provided, as the parties have previously had the opportunity to mediate, may schedule a mediation at any time, and because the requested opportunity to mediate does not constitute good cause for a longer continuance.

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. This matter will be set as follows:

Mediation:	N/A
Prehearing Conference:	March 21, 2014 at 1:00 PM
Due Process Hearing:	April 1-3, 2014 at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

DATE: February 19, 2014

/s/

JUNE R. LEHRMAN
Administrative Law Judge
Office of Administrative Hearings