BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Matter of:<br><br>LOS ANGELES UNIFIED SCHOOL DISTRICT,<br><br>v.<br><br>PARENT ON BEHALF OF STUDENT. | OAH Case No. 2017060361<br><br>ORDER DENYING REQUEST FOR CONTINUANCE |

On September 11, 2017, Student filed his request to continue the dates in this matter with the Office of Administrative Hearings, with advocate, Victoria Baca, stating that she had been scheduled to testify in Sacramento before a local government committee on September 12, 2017.

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. This is a second request for a hearing continuance; Ms. Baca had been Student's representative since July 10, 2017, based on her notice of representation; notice of the current hearing dates had been provided to the parties since July 12, 2017; Ms. Baca's

second request for a hearing continuance was made the day before the hearing date, and did not provide any good cause why the hearing should be continued including why the request was made the day before the hearing, and provided no supporting documents or declarations under the penalty of perjury. It appears from the continuance request that Ms. Baca knew for some time of the travel to Sacramento, but fails to explain why the continuance request was not made until the day before the hearing is scheduled to commence. The request is denied. All hearing dates remain.

IT IS SO ORDERED.

DATE: September 11, 2017

DocuSigned by:
Sabrina Kong
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SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings