BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2015030823 ORDER DENYING REQUEST FOR CONTINUANCE

On March 25, 2015, Student filed, in Spanish, a request to continue the dates in this matter based upon Parent not having a Spanish translation of District's Request for Due Process Hearing and Mediation, District's spring break, and Parent's physical restrictions after surgery. On March 30, 2015, District opposed the request based upon Parent's failure to confer with District about mutually agreeable dates for the continuance, and disputing that Student's request was supported by good cause.

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. All hearing dates and timelines shall proceed as calendared. Here, Student requested a continuance of the hearing dates, and OAH is inclined to grant the continuance to afford Parent the opportunity to review District's Request for Due Process and Mediation in Spanish. However, the parties did not discuss and confer regarding new hearing dates as required by OAH. Forms are available on the OAH website that explain the procedure. The parties may re-submit the request to continue after they have agreed upon hearing dates. If the parties are unable to agree on hearing dates, they may request OAH to select dates. Alternatively or additionally, this matter may be discussed during the telephonic prehearing conference on April 3, 2015, at 3:00 p.m. A Spanish language interpreter will be on the telephone call to interpret for Parent.

IT IS SO ORDERED.

DATE: April 1, 2015

/s/

KARA HATFIELD
Administrative Law Judge
Office of Administrative Hearings