

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. 2012080039

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE, SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING

On January 8, 2013, the parties filed a joint request to continue the mediation, prehearing conference, and hearing dates in this matter. Student filed his complaint on July 31, 2012. On August 27, 2012, OAH granted parties' joint request for a continuance, indicating that parties entered into an interim agreement which included an assessment. Therefore, this is the second request for a continuance since issuance of the initial scheduling order following the filing of the 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).)

In support of the joint request for a short continuance, the parties state that the independent educational evaluation (IEE) has just been completed and the individualized educational program (IEP) meeting is being schedule to review the IEE.

OAH has reviewed the request for continuance and considered all relevant facts and circumstances, including the parties' collaboration in agreeing to a short continuance of dates

in order to fully evaluate resolution in light of the recent IEE. Good cause existing therefore, the request is granted.

All dates are vacated. This matter will be set as follows:

Mediation: **February 12, 2013, at 1:30 p.m., at the District offices, 333 South Beaudry Ave., 17th Floor, Los Angeles, CA 90017.**

Prehearing Conference: **February 20, 2013, at 1:30 PM.** (The requested PHC date of February 18, 2013, is a legal holiday.)

Due Process Hearing: **February 25, 26, 27 and 28, 2013,** commencing at 1:30 PM. on the first day of hearing, and 9:30 AM on all remaining days. The hearing will take place at the **Office of Administrative Hearings**, located at **15350 Sherman Way, Suite 300, Van Nuys, CA 91406.**

NOTE: In light of the dates of the original filing, and the inability of the parties to resolve the matter, no further continuances are contemplated.

IT IS SO ORDERED.

Dated: January 08, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings