

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. 2012070831

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING DATES

On January 9, 2013, the parties filed a third request to continue the dates in this matter to accommodate that schedule of an upcoming individual education plan (IEP) meeting where assessments pertinent to this matter will be reviewed and an offer made which may resolve the matter.

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. Based upon the Order granting the second request for continuance, the parties were notified that further continuances based upon ongoing settlement discussions would not constitute good cause. This third request is granted because: the parties confirmed the date of an IEP which involved issues pertinent to this

matter; explained the purpose of the IEP, and the reason the date was selected; although the date conflicted with the hearing date, the IEP date did not appear to be selected for the purpose of securing a further continuance; and the parties only requested a short continuance.

This matter will be set as follows:

Prehearing Conference:	February 13, 2013 at 1:30 PM
Due Process Hearing:	February 25, 2013 at 1:30 PM, February 26, 27, and 28, 2013, at 9 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

[Note: Based upon the representations of the parties, the number of continuances in this matter, and previous continuance Orders, ongoing settlement discussions, or IEP's shall not be considered good cause for further continuances of any duration.]

IT IS SO ORDERED.

Dated: January 10, 2013

/s/

EILEEN M. COHN
Administrative Law Judge
Office of Administrative Hearings