

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES COUNTY OFFICE OF
EDUCATION & LOS ANGELES UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2013010151

ORDER GRANTING SECOND
REQUEST FOR CONTINUANCE AND
SETTING MED/PHC/HRG

On March 14, 2013, the parties filed a second request to continue the dates in this matter. The reason given was that the parties desired to go to mediation, and mediation scheduling required inter-agency coordination and a change of mediation location to Juvenile Hall.

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. Good cause for a continuance has been shown by the need for interagency coordination to conduct a mediation with Student's participation. However, further continuances are not contemplated, given that the dates for hearing set forth in this Order are approximately five months from the date of the filing, such that the parties will have had more than ample time to conduct settlement negotiations and prepare for hearing. This matter will be set as follows:

Mediation: April 18, 2013 at 9:30 AM
[The mediation location has changed to Juvenile Hall,
per previous OAH order.]

Prehearing Conference: June 3, 2013 at 1:30 PM

Due Process Hearing: June 11-13, 2013 at 9:30 AM, and continuing day to
day, Monday through Thursday, as needed at the
discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: March 15, 2013

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings