

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. 2013090848

ORDER GRANTING FIRST REQUEST
FOR CONTINUANCE AND SETTING
MEDIATION/PHC/HEARING

On November 5, 2013, the parties filed a first stipulated request for a continuance.

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. This matter will be set as follows:

Mediation:	December 10, 2013 at 9:00 AM [Note – The parties cancelled their previously scheduled mediation at the last minute, after an ALJ had already prepared for it and travelled to the mediation site. OAH may consider cost shifting sanctions if the parties, without good cause, fail to give adequate notice of mediation cancellation for this stipulated date and time.]
Prehearing Conference:	January 17, 2014 at 3:00 PM [Note – Time changed to conform to OAH scheduling practices.]
Due Process Hearing:	January 28-30, 2014 at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. [Note – OAH does not calendar hearings on Fridays, as requested. The parties should familiarize themselves with the OAH scheduling guide, available on our website.]

IT IS SO ORDERED.

Dated: November 05, 2013

/s/

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