

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014060580

ORDER GRANTING THIRD REQUEST
FOR CONTINUANCE [NO FURTHER]
AND SETTING PREHEARING
CONFERENCE AND HEARING

On September 9, 2014, the parties filed a third request to continue the dates in this matter. Although labeled as a request for a second continuance, the parties had previously obtained a continuance on July 14, 2014 and subsequently a second continuance at mediation on July 29, 2014. The reason given for the third continuance was that Student's medical needs may have changed, and a corrective surgery is scheduled for September 25, 2014, such that the input of Student's physicians could lead to settlement.

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. However, further continuances are not contemplated for any reason. The hearing request was filed in June of 2014, and the claims relate to alleged denials of a FAPE going back two years in time. The parties will have had ample time to discuss settlement based on Student's current needs by the time of the hearing dates granted below. This matter will be set as follows:

Mediation:	N/A
Prehearing Conference:	December 5, 2014 at 1:00 PM
Due Process Hearing:	December 16-18, 2014 at 9:30 AM first day, 9:30 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: September 09, 2014

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