

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2015020671 (Primary)
v.	
LOS ANGELES UNIFIED SCHOOL DISTRICT,	
LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014100174 (Secondary)
v.	
PARENT ON BEHALF OF STUDENT.	ORDER RESCHEDULING MEDIATION AND DENYING JOINT SECOND REQUEST FOR CONTINUANCE OF DUE PROCESS HEARING

On March 24, 2015, the parties filed a joint second request to continue the dates in this 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 as to mediation only. Mediation will be rescheduled and set for May 20, 2015, at 9:00 AM.

Denied as to prehearing conference and due process hearing. All hearing dates and timelines shall proceed as calendared. Here, the parties have requested a continuance of the prehearing and hearing dates, and OAH is inclined to grant the continuance. However, the parties did not make a showing of good cause, or provide any explanation, for a second continuance of the due process hearing. The first continuance was granted by OAH order, dated February 18, 2015, to dates selected by Student in a continuance motion unopposed by District. The parties may re-submit the request to continue with a showing of good cause.

IT IS SO ORDERED.

DATE: March 24, 2015

_____/s/
ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings