

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. 2015060972

ORDER GRANTING REQUEST FOR
CONTINUANCE AS TO MEDIATION
AND DENYING AS TO DUE
PROCESS HEARING

On July 24, 2015, the parties filed a joint request with the Office of Administrative Hearings to continue the prehearing conference date in this matter. Later that day, the parties filed a request to continue the dates for hearing.

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 in part, mediation and denied in part, hearing. On July 13, 2015, the parties asked for, and were granted, a continuance in this matter. The prehearing was scheduled for July 31, 2015, and hearing to August 11 – 13, 2015. Moving the PHC to August 3, 2015, is granted as still more than five-business days before the hearing. As to the hearing dates, the parties did not provide any good cause for a second continuance request.

Therefore PHC date is vacated, and parties continuance of the hearing dates is denied. This matter will be set as follows:

Prehearing Conference: August 3, 2015, at 1:00 PM

IT IS SO ORDERED.

DATE: July 24, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings