

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023110630

ORDER DENYING REQUEST FOR CONTINUANCE OF DUE
PROCESS HEARING

JANUARY 05, 2024

On January 5, 2024, Student and Los Angeles Unified School District filed with the Office of Administrative Hearings, called OAH, a joint stipulation to request that OAH continue the due process hearing in this matter. The parties' filing is treated as a motion to continue the due process hearing. The parties requested that OAH continue the hearing from January 9, 2024 to January 11, 2024, to allow the parties to continue ongoing settlement discussions and complete a settlement of this matter.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint, unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due

process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;
- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).) Thus, even though parties in due process hearings are not precluded from agreeing to mediation, or from resolving their dispute in an informal, nonadversarial manner after a

complaint has been filed, or even if a hearing has commenced (Ed. Code, § 56503), last minute pre-hearing continuances to complete settlements are not generally granted.

Here, the parties have not established good cause for a continuance. Student filed the due process hearing request in this matter on November 20, 2023. The parties have had since then to negotiate a settlement or request mediation, and have not done so. The parties have not demonstrated an unforeseen circumstance such as injury or illness to justify a last-minute continuance.

The parties' request is denied. All due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert G. Martin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings