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 NUMBER 2020020241

ORDER DENYING REQUEST FOR CONTINUANCE

MAY 14, 2020

On May 14, 2020, the parties filed a joint request with the Office of Administrative Hearings, referred to as OAH, to continue this matter, based upon conflict that counsel for Los Angeles Unified School District has with an expedited hearing scheduled for the same dates, May 27 and 28, 2020, in OAH Case Number 2020050048. On March 24, 2020, OAH granted the parties' prior continuance, which set the current hearing dates so the parties could mediate on April 28, 2020, which Student's counsel cancelled on April 27, 2020.

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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (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:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. The continuance request is denied as the potential conflict with the expedited hearing in OAH Case Number 2020050048 is conjecture at this moment, especial as the school district in that matter just filed a motion to unexpedite, which if granted would remove any conflict. OAH has the concern that the parties in this case are not ready to proceed to hearing, especially as the law firm representing Los Angeles Unified School District has filed numerous motions objecting to the videoconference hearing process that OAH has established due to the COVID-19 pandemic, especially as the parties request hearing dates in late-August 2020. If OAH denies the motion to

unexpedite in OAH Case Number 2020050048, the parties may file a renewed continuance request.

IT IS SO ORDERED.

DocuSigned by:
Peter Paul Castillo
F0BCD8A6A62C4E9...

Peter Paul Castillo

Presiding Administrative Law Judge

Office of Administrative Hearings