BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT AND SIMI VALLEY UNIFIED SCHOOL DISTRICT,	OAH Case No 2014120059
LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2014120530 ORDER GRANTING JOINT REQUEST FOR CONTINUANCE AND SETTING PREHARING CONFERENCE AND DUE PROCESS DATES

On November 21, 2014, Student filed with the Office of Administrative Hearings a request for a due process hearing in OAH case number 2014120059, naming Los Angeles Unified School District and Simi Valley Unified School District.

On December 11, 2014, Los Angeles filed a Request for Due Process Hearing in OAH case number 2014120530, naming Student.

On December 16, 2014, Los Angeles filed a motion to consolidate the First Case with the Second Case.

On December 22, 2014, Simi Valley filed an opposition to the consolidation motion. On December 22, 2014, Student filed a statement of non-opposition to the motion. On December 22, 2014, OAH granted the motion to consolidate the two cases.

On December 23, 2014, Student and Los Angeles jointly filed with OAH a request to continue the consolidated matter. On December 29, 2014, Simi Valley filed an opposition to the joint motion for continuance.

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. A due process hearing must be 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).)

In its joint request, Student and Los Angeles request continuance of the due process hearing from January 15, 2015 to February 23-26, 2015 on grounds that Student's educational rights holder is unavailable on January 15, 2015. This is the first request for a continuance in this matter.

In its opposition, Simi Valley opposes the joint request on grounds that the educational rights holder's unavailability fails to constitute good cause.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference:	February 9, 2015 at 10:00 AM
Due Process Hearing:	February 24-26, 2015 at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: December 29, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings