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. 2014070446 ORDER GRANTING IN PART REQUEST FOR CONTINUANCE

On October 13, 2014, Student's legal counsel, Seymour Armster, filed a request with the Office of Administrative Hearings to continue the dates in this matter based upon Mr. Amster's unavailability due to his participation in OAH Case No. 2014070012, which is scheduled to be completed on October 14, 2014. Los Angeles Unified School District indicated by telephone to OAH that it does not oppose Student's request.

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, rule3.1332(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. Because of the conflict on October 14, 2014 with OAH Case No. 2014070012, this matter will not be heard on that date. All other hearing dates are confirmed, unless OAH receives a written, signed settlement agreement from the parties.

IT IS SO ORDERED.

DATE: October 13, 2014

/S/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings