

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA BARBARA HIGH SCHOOL
DISTRICT AND SANTA BARBARA
COUNTY OFFICE OF EDUCATION.

OAH CASE NO. 2012031007

ORDER DENYING REQUEST FOR
CONTINUANCE

On June 5, 2012, the parties submitted a joint request to continue the dates in this matter. The parties requested hearing dates that would place this matter on calendar for three consecutive weeks, utilizing only two days each week 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).) The Office of Administrative Hearings (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:

Denied. All hearing dates and timelines shall proceed as calendared. Here, the parties have requested a continuance of the hearing dates, and OAH is inclined to grant the continuance. However, the parties proposed dates of hearing would stretch

the matter over three weeks while utilizing only two days each week for hearing. This is an inefficient hearing schedule. Furthermore, the parties failed to provide any reason for such a disjointed schedule. The parties may resubmit their request for a continuance if they can propose dates that are consecutive, Monday through Thursday, consistent with OAH's scheduling guide. The scheduling guide is available at OAH's website. If the parties are unable to agree on dates, they may request that OAH assign dates.

IT IS SO ORDERED.

Dated: June 5, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings