

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

GLENDORA UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012040027

ORDER GRANTING REQUEST FOR
CONTINUANCE OF HEARING TO
MAY 23, 2012

On April 27, 2012, an attorney filed a request for a continuance of the hearing on behalf of Student and Student's parents. The request sought a 30 day continuance during which the attorney could decide whether he could enter the case and represent Student. The District responded that while it was not opposed to a short continuance, it was available on May 23, 2012, a date three weeks after the hearing was scheduled to begin.

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).) 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. All dates are vacated. However, given that this is a District-filed matter regarding a discrete issue and that the PHC has already taken place, District's availability for hearing must be factored, given that three weeks is still sufficient time for the attorney to make a decision about representation. This matter will be set as follows:

Due Process Hearing: May 23-24, 2012 at 9:30 AM

IT IS SO ORDERED.

Dated: April 30, 2012

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings