

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2012050785

ORDER DENYING WITHOUT  
PREJUDICE JOINT REQUEST FOR  
CONTINUANCE

On June 26, 2012, both parties filed a joint request to continue the dates in this matter. The parties are requesting that the current mediation date of June 21, 2012, Prehearing Conference (PHC) date of July 1, 2012, and the Due Process Hearing (DPH) on July 11, 2012 be continued. The parties request that Mediation be scheduled for October 18, 2012, and the DPH be scheduled until November 13, 2012, with the PHC to be scheduled by OAH. No reason is cited for why this matter should be continued.

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 without prejudice because the parties have not cited any cause for their requested continuance and have specifically not cited any cause for requesting a continuance longer than 90 days. All prehearing conference and hearing dates

are confirmed and shall proceed as calendared. The parties may resubmit their joint request by citing the grounds that demonstrate good cause for the continuance.

IT IS SO ORDERED.

Dated: June 27, 2012

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings