

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SEQUOIA UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2012090164

ORDER DENYING REQUEST FOR
CONTINUANCE

On February 8, 2013, the parties filed a request to continue the dates in this matter on the grounds that they require further time to complete the settlement agreement. This matter has previously been continued and on January 3, 2013, the Office of Administrative Hearings (OAH) informed the parties that any further continuance would require a substantial showing of good cause.

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:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. The parties state that they require "brief additional time" in

order to finalize their settlement agreement. The parties request a one and one-half month long continuance. Such a lengthy continuance is not a “brief” continuance. Furthermore, the parties fail to provide any information regarding where they are in the settlement negotiation process that would justify such a lengthy continuance. Accordingly, the parties failed to establish good cause and the request is denied.

IT IS SO ORDERED.

Dated: February 8, 2013

/s/

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