

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

REDWOOD CITY SCHOOL DISTRICT.

OAH Case No. 2015091148

ORDER DENYING JOINT REQUEST
FOR CONTINUANCE

On November 19, 2015¹, the parties filed a second joint request to continue the dates in this matter because the hearing is set to begin when Redwood City School District is closed for winter break. The parties first asked for a continuance of this matter on October 8, 2015. At that time, the parties asked for mediation to be set December 16, 2015 and asked the Office of Administrative Hearings to choose hearing dates within 90 days of the initial hearing date, as the parties could not agree on dates themselves. The parties did not indicate any unavailability on the part of any party or witness within the 90 day time period that they requested the matter be set.

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:

¹ The joint request was filed after business hours on November 18, 2015.

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. OAH does not consider winter break, summer break or other school district holidays, in and of themselves good cause for a continuance. Further, the parties did not indicate on their first joint motion that any party had unavailability for any upcoming time period. Multiple requests for continuances because the parties do not like dates assigned by OAH, when the parties have failed to work together to request dates that accommodate the schedules of interested parties are disfavored.

IT IS SO ORDERED.

DATE: November 19, 2015

/s/

MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings