

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BALDWIN PARK UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016030312

ORDER DENYING REQUEST FOR
CONTINUANCE AND ORDER
GRANTING DELAY IN EXCHANGE
OF DOCUMENTS

On April 18, 2016, the Office of Administrative Hearings convened the prehearing conference in this matter, in which the parties agreed to the hearing dates of April 28, 2016 and May 3, 4, and 5, 2016. At the prehearing conference, the parties indicated that they would not be filing any further motions in this matter. On April 20, 2016, the parties filed a motion to continue the dates in this matter with the OAH. The motion provided no explanation for the continuance request. The same day, the parties also submitted a request to delay the exchange of documents in this matter to April 26, 2016, as the parties are engaged in settlement discussions.

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 and the continuance request is denied. The parties' request for a continuance was not supported by any declaration, as required by the prehearing conference order, why the motion was not made at the prehearing conference. Further, the reason stated in the

parties' request to delay the exchange of documents so the parties can continue with settlement discussions is not good cause to continue the hearing. Therefore, the motion for a continuance is denied.

As to the parties' request to delay the exchange of documents to April 26, 2016, that request is granted.

IT IS SO ORDERED.

DATE: April 20, 2016

DocuSigned by:

Peter Paul Castillo

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PETER PAUL CASTILLO

Presiding Administrative Law Judge
Office of Administrative Hearings