

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

LONG BEACH UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016030599

ORDER DENYING SECOND  
REQUEST FOR CONTINUANCE

On May 10, 2016, the parties jointly filed a second request to continue the dates in this matter with the Office of Administrative Hearings. They asserted as the basis for the request that Student was in the process of obtaining an independent educational evaluation.

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. This is the parties' second request for continuance. The parties seek to continue this matter for hearing to September 12-15, 2016, which is more than six months after District filed its due process complaint on March 10, 2016. The only reason supporting the request was that Parents were obtaining an independent evaluation. The parties provided no explanation why obtaining an independent

evaluation constitutes good cause to continue a District filed case to September 2016. Accordingly, the request is denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

DATE: May 11, 2016

DocuSigned by:

*Adrienne L. Krikorian*

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ADRIENNE L. KRIKORIAN  
Administrative Law Judge  
Office of Administrative Hearings