

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

REDONDO BEACH UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016030992

ORDER DENYING REQUEST FOR
CONTINUANCE

On March 18, 2016, Student, filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016030992 (Student's Case), naming Redondo Beach Unified School District. On April 7, 2016, the matter was continued to a mediation on June 2, 2016 and to the currently-scheduled dates for a prehearing conference on June 24, 2016 and a hearing commencing on July 5, 2016. On April 11, 2016, District filed a Request for Due Process Hearing in OAH case number 2016040420 (District's Case), naming Student. On April 11, 2016, District filed a Motion to Consolidate Student's Case with District's Case. On April 15, 2016, District's Motion to Consolidate was granted and the consolidated matter scheduled in accordance with the previously-set dates in the April 7, 2016 continuance order for Student's Case. On June 1, 2016, the mediation set for the following day was cancelled by District.

On June 8, 2016, the parties filed a joint request to continue the dates in this matter for a second time, seeking an August 23, 2016 replacement for the cancelled June 2 mediation, and seeking a PHC on August 29, 2016 and a hearing commencing September 7-8, 2016. No reasons were stated.

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 have already received a continuance of this matter, and have stated no good cause for this second request, which would delay the hearing to more than six months from the initial filing date.

IT IS SO ORDERED.

DATE: June 10, 2016

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June Lehrman

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JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings