

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CULVER CITY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016040429

ORDER DENYING WITHOUT
PREJUDICE JOINT REQUEST FOR
CONTINUANCE

On May 5, 2016, the parties filed a joint request to continue all dates in this case.

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 without prejudice. The parties have asked for dates that are more than 110 days from the date of the original due process hearing, presently set for June 1, 2016. Although the parties state that several witnesses are unavailable prior to the dates requested, they have not provided any declarations in support of the request for such a lengthy continuance. The parties need to provide declarations that identify the witnesses who are

unavailable, the reason for their unavailability, and the dates each is unavailable. The parties may re-submit their request for continuance along with appropriate supporting declarations if they wish to have OAH reconsider their request.

IT IS SO ORDERED.

DATE: May 6, 2016

DocuSigned by:

Darrell Lepkowsky

A228F8201132499

DARRELL LEPKOWSKY

Acting Presiding Administrative Law Judge
Office of Administrative Hearings