

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

REDLANDS UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2016040559

ORDER DENYING REQUEST FOR  
CONTINUANCE

On May 9, 2016, Student filed a request to continue the dates in this matter with the Office of Administrative Hearings. On May 11, 2016, District filed an opposition. As discussed below, the request is denied

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. Student has not stated good cause for the requested continuance, which District opposes. Student has identified potential calendar conflicts for June 6, 2016, and is apparently of the belief that that is the scheduled hearing day. However as District points out, the hearing in this matter is set for June

7, 2016. Therefore no conflict exists and good cause for the requested continuance has not been stated.

IT IS SO ORDERED.

DATE: May 12, 2016

DocuSigned by:  
*June Lehrman*

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