

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL
DISTRICT.

OAH CASE NOs. 2012060342 and
2012040530

ORDER DENYING REQUEST FOR
CONTINUANCE

On August 17, 2012, counsel for Student submitted to the Office of Administrative Hearings (OAH) a request to continue the presently scheduled hearing dates in these consolidated matters. On August 22, 2012, counsel for the Garden Grove Unified School District filed with OAH an opposition to the request to continue.

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 Student's request for a continuance for good cause, and considered all relevant facts and circumstances. Here, the consolidated cases date from April 2012 and June 2012. Special education disputes merit a timely resolution. In the continuance request, Student's counsel makes reference to a federal hearing in September 2012, but mentions no dates and whether the hearing will conflict with the scheduled September 11, 2012, hearing date in these cases. Therefore, the request for continuance is denied. The currently scheduled hearing dates shall remain on-calendar.

IT IS SO ORDERED.

Dated: August 24, 2012

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings