

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NATOMAS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012070797

ORDER GRANTING CONTINUANCE
FOR FILING OF CLOSING BRIEFS
AND EXTENDING PAGE LIMIT

On October 24, 2012, the parties jointly filed a request for a one-day continuance of the time for filing closing briefs herein, now calendared for October 25, 2012, and an increase in the page limit previously imposed from 20 to 25 pages.

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).)

Good cause appears for the requested extension of time and page limits. The parties correctly assert that the matter being briefed is complex, having three main issues and 15 subissues. The requested extension is only for one business day, but two will be granted, since adequate briefing is in the interest of all involved, and Student's situation is not affected.

The record will be held open for two additional business days. The parties may have to and including October 29, 2012, for filing closing briefs of a length of up to 25 pages.

IT IS SO ORDERED.

Dated: October 25, 2012

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings