

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MORONGO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013030369

ORDER DENYING JOINT REQUEST
FOR CONTINUANCE

On March 8, 2013, Parent on behalf of Student filed a due process hearing request (complaint) naming the Morongo Unified School District (District).

On April 26, 2013, the parties filed a joint first request to continue the mediation, prehearing conference (PHC) and hearing dates in this matter, currently scheduled in May 2013, to mutually agreed upon dates in October 2013.

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).)

The joint request indicates that an interim settlement has been reached for additional assessments of Student. However, no information is provided regarding, or good cause shown for, the need for a continuance of five months in which to complete those assessments.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Denied. All mediation, prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Dated: April 26, 2013

/s/

ALEXA J. HOHENSEE
Administrative Law Judge
Office of Administrative Hearings