

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VALLECITO UNION SCHOOL
DISTRICT.

OAH Case No. 2014010020

ORDER DENYING REQUEST TO
CONTINUE HEARING DATES

On April 15, 2014, the parties filed a joint request to continue the hearing dates from April 23-24, 2014, to April 24-25, 2014, due to the unavailability of the Superintendent of Vallecito Union School District to attend hearing on April 23, 2014. This is the third request to change hearing dates.

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).) The Office of Administrative Hearings 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. OAH does not schedule hearings for Fridays, as required by operational needs. The hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

DATE: April 15, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings