

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CERES UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014020029

ORDER DENYING REQUEST FOR  
CONTINUANCE

On February 12, 2014, the Ceres Unified School District (Ceres) filed a request to continue the dates in this matter. Ceres asserted that Parent had agreed to the request. However, on February 12, 2014, Parent informed the Office of Administrative Hearings (OAH) that there had been no agreement to continue the dates in this matter.

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 due process hearing dates are confirmed. Parent contends that there was no agreement to continue the dates in this matter. Ceres has not submitted a statement under penalty of perjury establishing that it had verbal agreement from Parent. Accordingly, the request to continue is denied. If Ceres can establish good cause for a continuance on its own accord, it may file another request.

IT IS SO ORDERED.

DATE: February 13, 2014

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BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings