

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

JEFFERSON ELEMENTARY SCHOOL
DISTRICT.

OAH CASE NO. 2014060285

ORDER DENYING REQUEST FOR
CONTINUANCE

On June 27, 2014, the parties filed a joint request to continue the dates in this matter. Mediation is scheduled on July 9, a prehearing conference is scheduled on July 21, and the hearing is scheduled to begin on July 29, 2014. The parties requested the mediation be rescheduled to September 4, the prehearing conference remain on July 21, and the hearing be continued to September 23 to 25, 2014.

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 dates are confirmed and shall proceed as calendared. OAH's calendar is unable to accommodate the requested mediation date due to the Labor Day holiday. In addition, it is not efficient to conduct a prehearing conference on July 21,

2014, when the mediation and hearing are to be held in September 2014. The parties are encouraged to discuss dates to be scheduled later in September and resubmit their request.

IT IS SO ORDERED.

DATE: June 27, 2014

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings