

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2014060765

v.

LOS ALTOS SCHOOL DISTRICT,

LOS ALTOS SCHOOL DISTRICT,

OAH Case No. 2014120366

v.

PARENT ON BEHALF OF STUDENT.

ORDER DENYING STUDENT'S
REQUEST FOR CONTINUANCE

On March 17, 2015, Student filed a request to continue the dates in this matter due to counsel needing additional time to prepare for hearing and being unavailable for hearing as a result of caring for a family member recovering from surgery. On March 17, 2015, Los Altos School District opposed the request based upon Student not establishing exceptional good cause for a fourth continuance and prejudice to Los Altos should a continuance be granted. In an Order dated December 24, 2014, the undersigned granted the parties' third request for continuance and advised that no further continuances would be granted absent a showing of exceptional good cause.

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. All hearing dates are confirmed and shall proceed as calendared. Student did not establish exceptional good cause based on the reasons presented in light of the three prior continuances and the fact that this this matter has been pending since June 2014, a period of nine months. This Order does not prevent Student from presenting specific scheduling requests for the consideration of the administrative law judge at the time of hearing.

IT IS SO ORDERED.

DATE: March 18, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings