

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

GARVEY SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015030569

ORDER DENYING REQUEST FOR
CONTINUANCE WITHOUT
PREJUDICE

On April 6, 2015, the parties filed a joint request to continue the dates in this matter. The parties indicated in their request that this was the initial request for continuance and they did not provide any information regarding the basis for the requested continuance. However, this was not the first request for continuance, as on March 27, 2015, Garvey submitted a request for continuance indicating that the parties were jointly requesting a continuance, but due to various limitations Parent was unable to sign a joint request for continuance. On March 30, 2015, Garvey's request for continuance was granted and all dates in this matter were reset.

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 parties' request and considered all relevant facts and circumstances. The request is denied without prejudice, as the parties failed to provide any grounds which might be considered good cause. All hearing dates and timelines shall

proceed as calendared. In the event that the parties elect to file another request for continuance, they must include information regarding the reason for continuance.

IT IS SO ORDERED.

DATE: April 7, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings