

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CORONADO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015040330

ORDER DENYING REQUEST FOR
CONTINUANCE WITHOUT
PREJUDICE

On July 16, 2015, the parties filed a joint request with the Office of Administrative Hearings to continue the dates in this matter based upon scheduling conflicts. This is the parties' second continuance request as OAH granted their initial request on May 5, 2015.

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 without prejudice. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. On May 5, 2015, OAH granted the parties request for a new mediation date of June 23, 2015, which was subsequently cancelled, prehearing conference, August 24, 2015, and due process hearing, August 31, 2015 through September 3, 2015. Other than the blanket statement that

the continuance is requested due to scheduling conflicts, the parties provide no information as to those conflicts and why the parties did not notify OAH sooner. The parties may submit another continuance request that explains the conflicts and delay in making the second continuance request, supported by declaration.

IT IS SO ORDERED.

DATE: July 17, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings