

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WEST CONTRA COSTA UNIFIED  
SCHOOL DISTRICT.

OAH Case No. 2015060692

ORDER DENYING REQUEST FOR  
CONTINUANCE

On October 5, 2015, Student filed a request to continue the dates in this matter because he is in the process of hiring an attorney and the attorney will need additional time to prepare. No response was received from West Contra Costa Unified School District and Student did not show that West Contra Costa was given a copy of the request for continuance.

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 and timelines shall proceed as calendared. Here, Student has requested a continuance of the hearing dates, and OAH is inclined to

grant the continuance. However, Student did not serve a copy of the request for continuance on West Contra Costa when the request was served on OAH. Student should contact the attorney for West Contra Costa and determine whether an agreement can be reached regarding the request for continuance and proposed hearing dates. If there is an agreement, the parties may submit a joint request for continuance. If no agreement can be reached, Students should re-submit his request for continuance and show that West Contra Costa has been served with the new request

IT IS SO ORDERED.

DATE: October 14, 2015

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MARGARET BROUSSARD  
Presiding Administrative Law Judge  
Office of Administrative Hearings