

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CONEJO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015061197

ORDER DENYING REQUEST FOR
CONTINUANCE WITHOUT
PREJUDICE

On September 23, 2015, the parties filed a joint request with the Office of Administrative Hearings to continue the dates in this matter as the parties are awaiting additional testing and then to meet at an individualized educational program team meeting. On July 23, 2015, OAH granted the parties initial continuance request, which scheduled a prehearing conference for September 28, 2015, at 1:00 p.m., and due process hearing for October 6 – 8, 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. The parties did not establish good cause

for a second continuance as the request lacked information as to when the parties expected the additional testing to be completed and when will the IEP team meeting be held. The parties can raise the request for a continuance at the September 28, 2015 prehearing conference and provide the needed information.

IT IS SO ORDERED.

DATE: September 24, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings