

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2015080260

ORDER DENYING REQUEST FOR  
CONTINUANCE

On September 10, 2015, the Office of Administrative Hearings granted the parties' joint initial continuance request, setting the prehearing conference for 10:00 AM on October 19, 2015, and hearing for October 27 – 29, 2015. On October 12, 2015, the parties filed a joint request to continue the dates in this matter, which was identified by the parties as the initial continuance request.

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. OAH previously granted the parties' joint continuance request and set dates as both parties requested that OAH set the dates for

hearing. The October 12, 2015 joint continuance request is in fact the parties' second continuance request, and neither party provided good cause for granting a second continuance request.

IT IS SO ORDERED.

DATE: October 13, 2015

*/s/*

---

PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings