

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

NORRIS SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012090702

ORDER DENYING REQUEST FOR  
CONTINUANCE

On October 2, 2012, Parent, on behalf of Student, filed a request to continue the dates in this matter on the grounds that she required additional time to find representation for Student. The request for continuance does not indicate that Student conferred with the Norris School District (District), and does not contain a proof of service indicating that Student served District with the motion.

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 (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. All hearing dates and timelines shall proceed as calendared. Here, OAH is inclined to grant the request for continuance. However, Student has failed to meet-

and-confer with District to see if District would agree to a continuance, and if the parties can arrive at mutually agreeable dates for the continued mediation and due process hearing. Furthermore, Student has failed to provide any proof that District was served with a copy of the motion. Student is ordered to meet-and-confer with District to see if the parties can mutually agree to a continuance. If the parties agree, District may assist Student in filing a properly filled out continuance request form. If District opposes the continuance request, Student may refile the motion requesting a continuance, and include a proof of service showing that Student served District. Accordingly, Student's request for continuance is denied without prejudice.

IT IS SO ORDERED.

Dated: October 8, 2012

/s/

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BOB VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings