

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN LUIS OBISPO COUNTY OFFICE OF  
EDUCATION AND SAN LUIS OBISPO  
JUVENILE PROBATION DEPARTMENT.

OAH CASE NO. 2014020743

ORDER DENYING REQUEST FOR  
CONTINUANCE

On April 15, 2014, the San Luis Obispo County Office of Education (County) filed a request to continue the dates in this matter on the grounds that its counsel has a potential conflict with another matter on the currently set due process hearing date in this matter. On April 17, 2014, the San Luis Obispo Juvenile Probation Department joined in County's motion. On April 17, 2014, Student filed an opposition.

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 dates are confirmed and shall proceed as calendared. The due process hearing in this matter is calendared to begin on May 28, 2014. Special education due process hearing matters frequently settle just prior to commencement of the hearing. As this matter is set for hearing more than a month from the filing of the motion, County's motion is premature. Accordingly, the motion is denied without prejudice.<sup>1</sup>

IT IS SO ORDERED.

DATE: April 18, 2014

/s/

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BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> This Order makes no findings on the substance of the parties' arguments for or against a continuance.