

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLOVIS UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014041202

ORDER DENYING REQUEST FOR
CONTINUANCE

On May 9, 2014, Student filed a request to continue the dates for a prehearing conference and hearing in this matter. Student claims that his attorneys are scheduled for depositions in a state court matter for the remainder of May 2014. However, there is no supporting declaration providing details concerning this other matter, such as when Student had notice that these depositions were set, to support the request for continuance. On May 12, 2014, Clovis Unified School District filed an opposition to the 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).) 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).)

The request for continuance has been reviewed for good cause and all relevant facts and circumstances have been considered. The request is:

- Denied without prejudice. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Student may renew the request to continue with a supporting declaration providing details concerning the depositions

currently scheduled in another matter that interfere with the currently scheduled dates for a prehearing conference and hearing, as well as any other matters it considers pertinent to his request for continuance.

IT IS SO ORDERED.

DATE: May 12, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings