

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PALOS VERDES PENINSULA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2014051221

ORDER DENYING REQUEST FOR
CONTINUANCE

On December 30, 2014, the parties filed a joint request with the Office of Administrative Hearings to continue the continued hearing dates in this matter based upon the parties inability to complete terms of the their August 23, 2014 interim agreement. On September 29, 2014, OAH granted the parties' continuance request and set the matter for a prehearing conference for January 5, 2015, and hearing for January 12 – 15, 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. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Student filed this matter on May 27, 2014, and an amended complaint on August 12, 2014. OAH has already granted a continuance in the matter, and the matter will be nearly a year old by the time OAH issues a decision if it grants

the parties' requested hearing dates of late April 2015. The purpose of the Individuals with Disabilities Education Act is to ensure the timely resolution of disputes and granting the parties' request does not further the intent of the IDEA as the parties have had sufficient time to resolve this matter.

IT IS SO ORDERED.

DATE: December 31, 2014

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings