

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2014110724

ORDER DENYING REQUEST FOR  
CONTINUANCE

On March 5, 2015, Student filed with the Office of Administrative Hearings a request to continue the dates in this matter based upon the unavailability of Student's experts due to birth of their child. On March 9, 2015, Glendale Unified School District opposed the request based upon the lateness of 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).) 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 November 13, 2014, and on December 19, 2015, OAH granted the parties' continuance request, which set the hearing dates of March 23 – 26, 2015. Student did not establish why its legal counsel

waited until March 3, 2015, to contact District's legal counsel about a continuance. Student's expert's expected delivery date is March 16, 2015. Student's continuance request did not state when Student's legal counsel contracted with the expert to testify, or if Student's legal counsel knew or should have known of the expected delivery date as of the December 19, 2014 joint continuance request. Accordingly, Student did not establish good cause for a continuance.

IT IS SO ORDERED.

DATE: March 10, 2015

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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings