

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

SAUGUS UNION SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2016020022

ORDER DENYING REQUEST FOR  
CONTINUANCE

On February 8, 2016, Student filed a request to continue the dates in this matter with the Office of Administrative Hearings, based upon another agency conducting unidentified assessments of Student, the results of which Student may want to present at hearing. On February 8, 2016, District 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).) 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.

The sole issue for hearing is whether District may assess Student without Parent's consent. District contends that Student is a danger to himself and others at school, and that a behavior assessment is necessary. Parent fails to explain how the results of assessments by other agencies would be relevant to this limited issue. Parent's desire to present such results at hearing does not constitute an excused inability to obtain essential testimony or other material evidence despite diligent efforts, or a significant unanticipated change in the status of the case as a result of which the case is not ready for hearing. Accordingly, Student fails to establish good cause for a continuance.

IT IS SO ORDERED.

DATE: February 10, 2016

DocuSigned by:



A7D463FF094544B...

---

ALEXA J. HOHENSEE  
Administrative Law Judge  
Office of Administrative Hearings