BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

V.

LONG BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2018081089

ORDER GRANTING REQUEST FOR CONTINUANCE OF SUBMISSION OF WRITTEN CLOSING BRIEFS

On August 22, 2019, Parent on behalf of Student and Long Beach Unified School District jointly filed with the Office of Administrative Hearings a request to continue the submission date for the written closing briefs for the above captioned matter. The request was accompanied by a declaration. The request is based upon the attorney for Long Beach being unavailable due to a recent death in her family.

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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (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:

Granted. The continuance request is granted and written closing briefs for this matter shall be due simultaneously at 5:00 p.m. on September 9, 2019.

IT IS SO ORDERED.

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Paul H. Kamoroff
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DATED: August 23, 2019

Paul H. Kamoroff
Administrative Law Judge
Office of Administrative Hearings