BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

TRAVIS UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2022120744

OAH CASE NUMBER 2022070352

ORDER GRANTING REQUEST FOR CONTINUANCE OF CLOSING ARGUMENT DUE DATE

MAY 4, 2023

On May 4, 2023, parties jointly filed a request to continue due date of closing arguments with the Office of Administrative Hearings, OAH. Student suffered a significant loss of data including his closing argument when his attorney's office server lost power overnight. Student requested a very brief continuance to allow him to timely file his closing argument.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint, unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due

process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;
- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Student established good cause to extend the due date by four days to allow counsel an opportunity to recover lost work product. Closing briefs will be due on Monday, May 8, 2023 at 3 p.m.

IT IS SO ORDERED.

Tiffany Gilmartin
Tiffany Gilmartin (May 4, 2023 14:37 PDT)

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings