BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. NEW HAVEN UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013010236 ORDER DENYING REQUEST FOR CONTINUANCE

On May 16, 2013, Student filed with the Office of Administrative Hearings (OAH) a request that OAH provide Parent a Certified Deaf Interpreter (CDI) in addition to American Sign Language Interpreters at the due process hearing set to commence May 29, 2013. On May 20, 20130, OAH denied Student's request for a CDI, without prejudice, and noted that to the extent Student's request may also be considered a motion to continue, OAH will withhold ruling on the continuance request for three business days. OAH has not received a response from the New Haven Unified School District (District).

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. Student originally filed a request for a due process hearing on January 8, 2013, and OAH has granted two prior continuances. Student has failed to provide a sufficient description of Mother's impairment and her need for the requested accommodation, to justify a further continuance.

All hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Dated: May 23, 2013

/s/
THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings