BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. RIVERSIDE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017010619 ORDER DENYING REQUEST FOR CONTINUANCE

On March 22, 2017, Student filed a request to continue the dates in this matter with the Office of Administrative Hearings. Student contends, based upon the proximity of his expert's classroom observation to the hearing date, that his counsel will be unable to prepare for hearing and exchange evidence timely. On March 27, 2017, District opposed the request as Student failed to meet and confer on new dates for hearing and did not show good cause for the requested continuance.

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. Nothing prevents Student's counsel and expert from conferring before the expert testifies, so that counsel can prepare for hearing. Student

failed to identify any documents or other information that he will not have in time to include in his notice of witnesses and evidence, which must be served five days prior to hearing.

IT IS SO ORDERED.

DATE: March 29, 2017

DocuSigned by:

57CDEBDAC9CC499...

COLE DALTON
Administrative Law Judge
Office of Administrative Hearings