BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: LOS ALAMITOS UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018081156 ORDER DENYING REQUEST FOR CONTINUANCE

On November 19, 2018, Student filed a request to continue the dates in this matter with the Office of Administrative Hearings, based upon Parent's concerns about available time to prepare for hearing. On November 20, 2018, Los Alamitos opposed the request based upon lack of good cause for a continuance as pled by Student.

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. Both the request for continuance and proof of service lack a signature by Parent. Parent's request for continuance lacks good cause as the continued hearing dates were arranged months ago by Parent, and confirmed in the

prehearing conference order of September 18, 2018. As a result Parent has had notice of the hearing since at least that time. Additionally, both the initial Scheduling Order served on both parents on August 30, 2018, as well as the OAH Special Education website, delineate the procedures and requirements for both the prehearing conference and due process hearing.

IT IS SO ORDERED.

DATE: November 26, 2018

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Ted Mann
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TED MANN
Administrative Law Judge
Office of Administrative Hearings