BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ORCUTT UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2020100618

ORDER DENYING REQUEST FOR CONTINUANCE

FEBRUARY 17, 2021

On February 12, 2021, Orcutt Union School District filed with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter, based upon a scheduling conflict of Orcutt's counsel, Meagan M. Kinsey. On February 16, 2021, Student opposed the request based upon Student's right to a speedy resolution and asserting that Orcutt had alternative counsel to represent it in this matter. On February 16, 2021, Orcutt replied to Student's opposition.

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:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Orcutt points to a scheduling conflict between this matter and the case Student v. Long Beach Unified School District, OAH Case No. 2020100586. Both matters were filed on October 19, 2020. However, in OAH Case No. 2020100586, Attorney Kinsey is the sole attorney for Long Beach Unified School District, while in this Kidd D. Crawford also represents Orcutt, and no reason given why Attorney Crawford

cannot represent Orcutt in this matter while Attorney Kinsey represents Long Beach Unified School District. According, Orcutt did not establish good cause for a continuance.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings