BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024070468

# ORDER DENYING REQUEST FOR CONTINUANCE

SEPTEMBER 18, 2024

On September 17, 2024, the parties jointly filed a second request to continue the due process hearing with the Office of Administrative Hearings, OAH. The parties contend the hearing should be continued because Student required additional counsel who is not available on the currently scheduled dates.

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).)

A brief continuance for Student's additional attorney to get up to speed constitutes good cause, however, the parties did not state the desired new hearing dates. Therefore, the request is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared.

The parties may resubmit the request with the desired dates clearly listed. Paragraph four on page two of the motion has a spot listed for the desired dates, however, no dates are listed.

IT IS SO ORDERED.

*Linda Dowd*

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings