BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

V.

GRANITE MOUNTAIN CHARTER SCHOOL.

OAH CASE NUMBER 2023010119

ORDER GRANTING REQUEST TO EXTEND DATE WHEN CLOSING ARGUMENT BRIEFS ARE DUE

APRIL 13, 2023

The last day of the testimonial portion of the hearing in this matter occurred on March 30, 2023. After conferring with the parties, administrative law judge, called ALJ, Christine Arden, on March 30, 2023, continued the hearing of this matter to May 1, 2023, when closing argument briefs are due to be filed with OAH by noon.

On April 12, 2023, Granite Mountain Charter School, called Granite Mountain, filed a request to extend the time when closing argument briefs are due to be filed with OAH. That request was based on the ground that Granite Mountain's attorney recently underwent a surgical procedure, which turned out to be more complicated than she originally anticipated. As a result, Granite Mountain's counsel needs more time than she

initially planned for to be off work to recover from surgery. Granite Mountain's counsel is a solo practitioner who does not have other attorneys to assist her. Consequently, Granite Mountain asserts it needs an extension of the deadline to May 14, 2023, for filing closing argument briefs with OAH.

On April 12, 2023, Student filed a response opposing Granite Mountain's request for an extension of the time to file closing argument briefs with OAH. Student's response did not provide any reasons for Student's opposition to the requested extension, but instead proposed that an extension be granted only to May 8, 2023, instead of to May 15, 2023.

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).)

Granite Mountain established good cause for its request to extend the time within which the parties must file their closing argument briefs. Moreover, the two-week extension of time proposed by Granite Mountain is reasonable, and Student did not provide any reasons why it should not be granted. Therefore, Granite Mountain's request is granted.

The ALJ hereby alters her March 30, 2023, verbal Order regarding the deadline for filing closing argument briefs with OAH. The hearing of this matter is now continued until May 15, 2023, when the parties' closing argument briefs are due to be filed with OAH by noon.

IT IS SO ORDERED.

Christine Arden

Christine Arden
Administrative Law Judge
Office of Administrative Hearings