BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL DISTRICT AND

VISIONS IN EDUCATION CHARTER.

OAH CASE NUMBER 2020050817

ORDER DENYING REQUEST FOR CONTINUANCE

WITHOUT PREJUDICE

JUNE 25, 2020

On June 24, 2020, Student filed with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter because Student was waiting for a ruling from OAH on his Motion to Amend the Complaint to add Folsom Cordova Unified School District and Sacramento City Unified School District. On June 25, 2020, San Juan Unified School District and Visions in Education Charter filed a non-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,

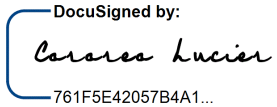
subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the 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 without prejudice. All hearing dates are confirmed and shall proceed as calendared. The continuance request is denied as OAH issued an Order Denying Student's Motion to Amend on June 24, 2020. Additionally, Student did not provide

proposed dates for a continued hearing in this matter. The parties are encouraged to work together to find mutually agreeable dates and may submit a joint request for OAH to consider.

IT IS SO ORDERED.



Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings