BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

ALTA LOMA SCHOOL DISTRICT

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2019090362

ORDER GRANTING JOINT REQUEST FOR CONTINUANCE TO SUBMIT CLOSING ARGUMENTS

MARCH 23, 2020

On February 21, 2020, the hearing in this matter was continued to March 30, 2020, at which time the parties were to file their closing written arguments and the matter would be submitted for decision. On March 23, 3030, Alta Loma School District and Student filed a jointly executed request that the time for filing the closing briefs be continued. Student's counsel is experiencing complications from the Coronavirus quarantine requirements that have disrupted her ability to work on the closing argument. Alta Loma agreed to a 30-day continuance.

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; 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 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; 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).)

A party is entitled to make final argument in a closing brief before a matter is submitted for decision. Here, the pandemic quarantine requirements have seriously impaired Student attorney's ability to prepare, file, and serve a closing brief by March 31, 2020. Alto Loma agrees. Good cause exits for the requested continuance.

ORDER

1. The joint request for continuance of the hearing for the filing of closing briefs is granted.
2. This matter is continued to the close of business, Wednesday, April 29, 2020, at which time the parties are to file their closing briefs and the matter will be submitted for decision.

Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings

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