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 STUDENT'S REQUEST FOR SECOND CONTINUANCE TO SUBMIT CLOSING ARGUMENTS

APRIL 28, 2020

On February 21, 2020, the hearing in this matter was continued to March 30, 2020, for the parties' filing of closing written arguments and submission for decision. On March 23, 3030, OAH granted the parties' joint request to continue the time for filing the closing briefs to April 29, 2020. On April 28, 2020, Student filed a request to continue because Student's counsel's was addressing complications from the Coronavirus quarantine requirements that have disrupted her ability to efficiently work on the closing argument. Alta Loma filed a notice of 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; 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. Good cause exits for the requested continuance.

ORDER

1. Student's request for a second continuance of the hearing for the filing of closing briefs is granted.
2. This matter is continued to the close of business, May 13, 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

DocuSigned by:
3EEE11185C9F48D...