BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017030443
v.	ORDER DENYING REQUEST FOR CONTINUANCE OF PREHEARING CONFERENCE
LOS ALTOS SCHOOL DISTRICT.	

On Thursday, May 25, 2017 at approximately 4:00 p.m., Student filed a letter with the Office of Administrative Hearings requesting a continuance of the Friday May 26, 2017 1:00 p.m. Prehearing Conference in this matter, based upon a schedule conflict. No form requesting a continuance was filed, no signature from opposing counsel agreeing to the continuance was submitted and there is no indication the letter was copied on opposing counsel, no reason for the late discovery was proffered, and no indication that contact was made with opposing counsel for both conflicting events seeking a jointly designed resolution of the conflict was submitted. Counsel for Student is a member of a firm with multiple attorneys. There was no indication that all attorneys in the firm had conflicts.

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. (See 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; and any other relevant fact or circumstance. (See 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. All prehearing conference and hearing dates are

confirmed and shall proceed as calendared.

IT IS SO ORDERED.

DATE: May 26, 2017

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Penelope S. Pahl
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PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings