BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: CARLSBAD UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017050174 ORDER DENYING STUDENT'S REQUEST FOR CONTINUANCE

On July 19, 2017, Student filed a request to continue the dates in this matter with the Office of Administrative Hearings, based upon Parent's need to recover from medical treatment, which took place on July 19, 2017. Carlsbad Unified School District has not filed a response.

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. The July 20, 2017 hearing date is confirmed and shall proceed as calendared. The documentation Parent provided is not sufficient to establish that Parent is not medically capable of participating in the hearing scheduled for July 20, 2017, especially as OAH granted Parent's request on July 19, 2017, to participate in the hearing by telephone. The documents provided by Parent in support of the

continuance request only contain Parent's informed consent papers for today's medical treatment, and does not constitute documentation from a medical professional that she cannot participate telephonically in the hearing on July 20, 2017. Accordingly, Student's continuance request is denied.

IT IS SO ORDERED.

DATE: July 19, 2017

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings