BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SAUGUS UNION SCHOOL DISTRICT.	OAH Case No. 2016060676 ORDER DENYING REQUEST FOR CONTINUANCE

On August 29, 2016, District filed a request to continue the dates in this matter, scheduled for hearing to begin September 8, 2016, due to District's counsel's conflicting engagements with other due process matters (specifically OAH Case No. 2015121022, also set to begin on September 8, 2016.) Other stated reasons are that the selected District representative has a training scheduled on September 13, 2016, and interviews for job candidates on September 15, 2016, and that a District witness has a vacation planned for the September 15.

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 hearing dates are confirmed and shall proceed as calendared. None of the stated reasons constitute good cause to continue this matter. OAH Case No. 2015121022 has been dismissed, and in any event counsel's overbooking cannot in

and of itself delay all the due process proceedings counsel has booked. District may select a different representative for the days the selected representative has training or interviews, or that representative can decide this due process preceding takes precedence over the other commitments. The witness who will be on vacation September 15 may testify on a different day, at the discretion of the hearing ALJ.

IT IS SO ORDERED.

DATE: September7, 2016

DocuSigned by:
June Lehrman
36F2B322672E4CB...

JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings