BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: BENICIA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2017040249
PARENT ON BEHALF OF STUDENT, v. BENICIA UNIFIED SCHOOL DISTRICT.	OAH Case No. 2017050972 ORDER GRANTING REQUEST FOR CONTINUANCE OF BRIEFING DUE DATE BY ONE BUSINESS DAY

On November 15, 2017, the last day of hearing, these matters were continued to December 1, 2017, for the filing of closing briefs. On November 28, 2017, Student filed a request to continue the briefing due date by one business day, based upon the declaration of counsel that she had been involved in another due process hearing that was unexpectedly prolonged, and that she had also suffered a minor illness during the period set for briefing. On November 28, 2017, Benicia notified OAH it would not oppose the request.

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 granted. Closing briefs in these matters shall be filed on or before December 4, 2017.

IT IS SO ORDERED.

DATE: November 29, 2017

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Charles Marson
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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings