BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. SAN DIEGUITO UNION HIGH SCHOOL DISTRICT,	OAH Case No. 2015071255
SAN DIEGUITO UNION HIGH SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015100591 ORDER DENYING STUDENT'S REQUEST FOR SPECIFIC HEARING DATES AND DISTRICT'S REQUEST FOR CONTINUANCE

On November 20, 2015, Student filed with the Office of Administrative Hearings a request to add further hearing dates, December 14, 15, and 17, 2015, in this matter as this matter will take four days to complete, and currently only set for one date, December 17, 2015. On November 25, 2015, San Dieguito Union High School District opposed the request based upon its unavailability for hearing due to a conflict with OAH Case No. 2015080561, and requested a continuance until January 19, 2016. OAH has not received a response to District's continuance request from Student.

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. Student did not establish good cause that the hearing dates in this matter should be advanced, especially since the scheduled December 11, 2015 prehearing conference in this matter would be only two days before the requested start date of December 14, 2015, for such a complicated case. Further, the prior dates were vacated by Student's filing of the amended complaint. As to the District's continuance request, it has not established good cause because the prior hearing dates of December 15 and 16, 2015, in OAH Case 2015080561 were vacated by OAH when it granted District's motion to amend on November 24, 2015, and set the hearing date of December 17, 2015. Therefore, District's continuance request is denied as District did not establish good cause. The parties are requested to meet and confer about available hearing dates, and to submit to motion upon agreeing on dates, or be ready to discuss hearing dates at the December 11, 2015 prehearing conference.

IT IS SO ORDERED.

DATE: December 2, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings