BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

INGLEWOOD UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022120475

ORDER DENYING REQUEST FOR CONTINUANCE

APRIL 26, 2023

On April 5, 2023, Parent on behalf of Student and Inglewood Unified School District filed a joint request to continue the due process hearing with the Office of Administrative Hearings, called OAH. The parties state that Inglewood Unified's attorney is scheduled to be in another due process hearing for OAH case number 2022110091, which is set to begin on May 2, 2023. Inglewood Unified's attorney anticipates that hearing would not be completed until May 12, 2023, at the earliest. The parties seek a continuance of this matter to avoid conflicting hearing dates between this matter and the matter in OAH case number 2022110091. The matter in OAH case number 2022110091 is currently set for hearing on May 2, 3, and 4, 2023, with no additional hearing dates yet to be scheduled. The hearing in this matter is scheduled for May 9, 10, and 11, 2023.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if good cause is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;
- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties did not establish good cause to continue the due process hearing. Though the parties anticipate a scheduling conflict may arise if the hearing in OAH case number 2022110091 is continued to the following week to May 9, 2023, no actual conflict exists at this time. The parties may renew their request for a continuance of this matter when an actual scheduling conflict exists. Accordingly, the request for a continuance is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings