

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CERES UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012100443

ORDER DENYING REQUEST FOR
CONTINUANCE

On January 31, 2013, the parties filed a request to continue the dates in this matter. This matter has previously been continued. The parties provided no grounds to establish good cause for a further continuance.

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).) The Office of Administrative Hearings (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. The parties assert that this is an initial request for continuance. However, in November 2012, following a mediation where an interim agreement was reached, the parties requested a continuance, which was granted by the

mediator. OAH will grant further continuances if good cause exists. The parties have provided no grounds for their request and have failed to establish good cause. Accordingly, the request to continue is denied without prejudice.

IT IS SO ORDERED.

Dated: February 1, 2013

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings