

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LIBERTY UNION HIGH SCHOOL
DISTRICT AND KNIGHTSEN
ELEMENTARY SCHOOL DISTRICT.

OAH CASE NO. 2014040525

ORDER DENYING REQUEST FOR
CONTINUANCE

On April 28, 2014, the Knightsen Elementary School District (Knightsen) filed a request to continue the dates in this matter on the grounds its counsel is unavailable on the currently scheduled dates. On April 29, 2014, Student filed an opposition to the request. The Office of Administrative Hearings has not received a response from the Liberty Union High School District.

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. Knightsen's request does not provide information either in the body of the request, or in a declaration from its counsel, as to whether the conflicting matters are OAH matters, what the case numbers are if they are OAH matters, or whether they are matters in other forums. Knightsen has not established good cause. Knightsen may refile its request with additional information. Accordingly, the request is denied without prejudice.

IT IS SO ORDERED.

DATE: May 8, 2014

/s/

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