

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014041137

ORDER DENYING REQUEST FOR
CONTINUANCE

On July 24, 2014, counsel for the parties jointly filed a second form request to continue the dates in this matter. The complaint was filed on April 24, 2014. The initial hearing date was June 18, 2014. On June 2, 2014, the Office of Administrative Hearings granted the parties' first joint request for continuance, setting the mediation for July 29, 2014, and the hearing for September 9-11, and 15, 2014. The second request asks for mediation on September 11, 2014, and hearing dates on October 20-23, 2014. OAH was informed that the parties cancelled the July 29, 2014 mediation prior to OAH receiving the second request for 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).) 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. The parties' second continuance request seeks hearing dates on October 20-23, 2014, without providing any explanation whatsoever, as required by OAH, establishing good cause for a second continuance beyond the dates requested by the parties in the first request for continuance. The parties may resubmit their request, providing they offer a credible basis establishing good cause for a further continuance in this matter. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

DATE: July 24, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings