

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

OCEAN VIEW ELEMENTARY SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014070383

ORDER DENYING REQUEST FOR
CONTINUANCE

On July 15, 2014, the Office of Administrative Hearings received a request for continuance. There have been no prior continuances in this matter.

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. A review of the documents reveals that the Ocean View Elementary School District has been serving documents upon the law offices of Nick Davaei. OAH assumes that Mr. Davaei is representing Student in this matter. To the best of the undersigned's ability to read signatures, it appears that Mr. Davaei has

signed the joint request for continuance as the representative of Student. OAH is inclined to grant a continuance. However, OAH has not received a notice of representation from Mr. Davaei. As such OAH can neither accept his signature on the continuance request, nor can OAH communicate with or serve any orders on Mr. Davaei.

If the signature on the continuance request is of one of Student's parents, Parents should immediately notify OAH and the parties should resubmit the request. If the signature is of Mr. Davaei, he must file a notice of representation with OAH and the parties may resubmit the request for continuance. Accordingly, the request is denied.

IT IS SO ORDERED.

DATE: July 15, 2014

/s/

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