

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WEST COVINA UNIFIED SCHOOL
DISTRICT and WALNUT VALLEY
UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2015030323

ORDER DENYING REQUEST FOR
CONTINUANCE

On July 29, 2015, the parties filed a joint stipulated request to continue the dates in this matter, which was initially filed on March 5, 2015. The parties requested hearing dates of November 30 through December 3, 2015; the hearing is presently scheduled for August 10 through 13, 2015.

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 stipulated request does not provide any reason for the continuance. Also, the parties do not explain why they seek hearing dates more than 100 days from the presently scheduled hearing. This matter was initially filed in March 2015. Administrative Law Judge Adrienne Krikorian granted the parties' last request for continuance at the April 24, 2015 prehearing conference, noting in her order that "OAH does not contemplate any further continuances in this matter absent a showing of substantial good cause." Here, parties have made no effort to demonstrate good cause.

The request for continuance is denied because the parties have not demonstrated good cause. All prehearing conference and hearing dates remain as presently scheduled. The parties may again request a continuance at the presently scheduled prehearing conference of July 31, 2015, at which time the request may be argued and ruled upon.

IT IS SO ORDERED.

DATE: July 30, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings