

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS GATOS-SARATOGA JOINT UNION
HIGH SCHOOL DISTRICT and LOS
GATOS UNION SCHOOL DISTRICT.

OAH Case No. 2015110374

ORDER DENYING REQUEST FOR
CONTINUANCE

On December 14, 2015, Student and Los Gatos-Saratoga Joint Union High School District filed a joint request to continue the dates in this matter with the Office of Administrative Hearings. It was the initial request for a 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. All hearing dates and timelines shall proceed as calendared. Here, two of the parties have requested a continuance of the hearing dates. However, there is no indication that the remaining party in the case, Los Gatos Union School District, also joins in the request for continuance, or that Los Gatos Union School District was

notified that the request was being made. The parties may re-submit the request to continue if they are able to provide proof that Los Gatos joins in the request for continuance.

IT IS SO ORDERED.

DATE: December 15, 2015

/s/

REBECCA FREIE

Administrative Law Judge

Office of Administrative Hearings