

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT AND
CONTRA COSTA COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2021080223

ORDER DENYING REQUEST FOR CONTINUANCE

SEPTEMBER 23, 2021

On September 23, 2021, Parent on behalf of Student, Pleasanton Unified School District, and Contra Costa County Office of Education, jointly filed with the Office of Administrative Hearings, called OAH, a request to continue this matter. The parties failed to provide a basis for the request and mistakenly used a form reserved for requesting mediations and continuances related to mediation. The parties already participated in mediation for this matter on September 21, 2021.

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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (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, unless otherwise ordered. The continuance request is denied as the parties failed to establish good cause to continue this matter.

IT IS SO ORDERED.


Paul H. Kamoroff (Sep 23, 2021 12:07 PDT)

Paul H Kamoroff
Administrative Law Judge
Office of Administrative Hearings