

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT

v.

AVESON GLOBAL LEADERSHIP ACADEMY AND AVESON CHARTER
SCHOOLS.

OAH CASE NUMBER 2021090088

ORDER DENYING REQUEST FOR CONTINUANCE OF
DUE PROCESS HEARING

OCTOBER 14, 2021

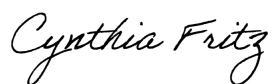
On September 1, 2021, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Aveson Global Leadership Academy and Aveson Charter Schools. OAH set the prehearing conference for October 18, 2021, and the due process hearing to begin on October 26, 2021.

On October 14, 2021, the parties requested a continuance of the due process hearing to December 14, 2021, because they are close to settling this matter and finalizing the last term. The parties represented that a continuance is needed to finish negotiations and it will also conserve the parties' time and resources preparing for the due process hearing. This is the first continuance request 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; 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 reviewed the requests for good cause and considered all relevant facts and circumstances. While OAH encourages the parties to negotiate before a due process hearing, continuing settlement discussions to finalize all terms is not good cause to continue this matter. Accordingly, the parties' request for a continuance is denied. All dates remain on calendar.

IT IS SO ORDERED

A handwritten signature in cursive script that reads "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings