

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

BEVERLY HILLS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021070247

ORDER GRANTING IN PART AND DENYING IN PART
REQUEST FOR CONTINUANCE

NOVEMBER 2, 2021

On October 27, 2021, Student filed with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter, based upon Student's counsel was ordered to appear in Pasadena Superior Court on November 16, 2021, for an evidentiary hearing. Beverly Hills Unified School District did not file a response to the motion.

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. Student failed to establish good cause to continue the due process hearing in this matter to December or January 2022. On September 16, 2021, the parties mutually agreed upon and proposed November 16 through 18, 2021, for due process hearing. OAH approved the parties' request. There is no indication that the evidentiary hearing scheduled for November 16, was scheduled prior to the parties request for the dates that are currently set. In light of the other courts likely impacted

calendar, OAH will continue the due process hearing in this matter to November 17, 2021 at 9:30 a.m. The prehearing conference date is confirmed and this matter shall proceed to due process hearing on November 17, and 18, 2021.

IT IS SO ORDERED.

Marlo Nisperos

Marlo Nisperos

Administrative Law Judge

Office of Administrative Hearings