

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CORONA-NORCO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021100613

ORDER DENYING REQUEST FOR CONTINUANCE

NOVEMBER 30, 2021

On November 23, 2021, Corona-Norco Unified School District filed with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter, based upon the unavailability of the school district's representative and counsel. On November 24, 2021, Student filed an opposition. On November 24, 2021, Corona-Norco filed a reply. On November 29, 2021, Student filed a response to Corona-Norco's reply.

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.

The sworn declarations of Corona-Norco's representative and two attorneys state that they are separately scheduled to be in hearing in OAH case numbers 2021110563, 2021100627 and 2021100673 on the same days that this matter is set for hearing. These are all later-filed cases, and the instant matter will be given priority for hearing. It is irrelevant that, as Corona-Norco argues, its counsel received the complaint in this case later than the others because it was served by mail.

Corona-Norco's request for continuance is denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings