

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

V.

CABRILLO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021110078

ORDER DENYING REQUEST FOR CONTINUANCE

JANUARY 26, 2022

On October 29, 2021, Student filed with the Office of Administrative Hearings, referred to as OAH, a request for due process hearing. On November 22, 2021, OAH granted the parties joint request to continue, based on the parties' request to mediate the case on January 11, 2022. OAH set the prehearing conference on January 31, 2022 and the hearing on February 8 through 10, 2022.

On January 5, 2022, Student cancelled the mediation.

On January 25, 2022, the parties filed a joint request for continuance of the current dates to the next available dates on the grounds that the parties have reached "an agreement in principle" and require a brief continuance to finalize the agreement and gather signatures.

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 parties have failed to establish good cause for a further continuance. The request does not explain why the agreement cannot be finalized and signed prior to

the currently scheduled dates. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings