

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021110193

ORDER DENYING REQUEST FOR FURTHER CONTINUANCE

FEBRUARY 2, 2022

On November 5, 2021, Student filed with the Office of Administrative Hearings, referred to as OAH, a request for due process hearing naming William S. Hart Union School District. At a prehearing conference held on December 20, 2021, OAH granted Student's motion to amend the complaint. On January 25, 2022, OAH granted the parties' joint request to continue the matter to the currently-scheduled hearing dates of March 22-24, 2022, to enable them to participate in an upcoming mediation on February 8, 2022.

On February 2, 2022, the parties filed a request for a further continuance based upon the pendency of another due process hearing on the same hearing dates, also involving William S. Hart. For the reasons stated below, the request is denied.

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. The continuance request is denied as this matter was filed November 5, 2021 and has already been amended and continued. The competing OAH matter cited by the parties as the justification for the request has only recently been filed on January 28, 2022. Furthermore, mediation in this matter has yet to occur.

Moreover, no cause has been stated as to the likelihood of the competing matter actually proceeding to hearing on the currently-scheduled dates. There is therefore no good cause to continue this matter, and the motion is denied.

IT IS SO ORDERED.

June Lehrman

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Administrative Law Judge

Office of Administrative Hearings