

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT

V.

COMPTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021110244

ORDER DENYING REQUEST FOR CONTINUANCE

FEBRUARY 01, 2022

Student filed a request for due process hearing with the Office of Administrative Hearings on November 5, 2021. On December 14, 2021, OAH granted the parties' joint request for mediation on January 14, 2022, and continuance of the prehearing conference to February 4, 2022 and the hearing to February 15 through 17, 2022.

On January 31, 2022, Student and Compton Unified School District filed a joint motion to continue the due process hearing, based upon the parties' need for additional time to finalize a settlement agreement. The motion is supported by the parties' signed stipulation, asking that the hearing be continued for one month, to March 15, 2022.

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 and considered all relevant facts and circumstances. Here, the parties request this second continuance for the purpose of finalizing a settlement agreement. No other basis is cited in support of the requested one-month continuance. The parties have not provided any reason as to why they are unable to complete the agreement before the hearing. Their delay in negotiating a final resolution is not, by itself, sufficient good cause for a continuance.

The continuance request is denied, without prejudice. The parties may restate their motion at the February 4, 2022 prehearing conference.

All prehearing conference and hearing dates are confirmed and this matter shall proceed as calendared.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley". The signature is stylized with a large initial "C" and a long, sweeping underline.

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings