

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

STUDENT,

v.

SWEETWATER UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024010799

ORDER DENYING REQUEST FOR CONTINUANCE

APRIL 10, 2024

On January 24, 2024, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, naming Sweetwater Union High School District. The Office of Administrative Hearings is called OAH.

On March 12, 2024, OAH granted Student's request to file an amended complaint. On March 14, 2024, OAH issued a scheduling order setting the due process hearing for April 30, through May 2, 2024. The parties mediated the claims in the amended complaint on April 5, 2024.

On April 9, 2024, the parties filed a joint motion to continue the due process hearing to mutually agreed dates.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;
- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Here, the parties have already mediated the amended claims, and a declaration of good cause is required to support a further continuance. However, the parties failed to submit a sworn declaration to demonstrate good cause for a continuance.

The request is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared.

The parties may resubmit the request with declarations that demonstrate good cause for the continuance.

IT IS SO ORDERED.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings