

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
  
VENTURE ACADEMY FAMILY OF SCHOOLS,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2024020488

ORDER GRANTING REQUEST FOR CONTINUANCE AND  
SETTING DATE FOR WRITTEN CLOSING ARGUMENT

APRIL 22, 2024

On April 12, 2024, at the conclusion of three days of the due process hearing, Venture Academy Family of Schools, called Venture Academy, moved to continue the due process hearing until 4:00 PM on April 29, 2024, to file and serve written closing argument. The Office of Administrative Hearings, called OAH, granted the motion and notified Parents, who failed to appear at the due process hearing, by order dated April 15, 2024.

On April 22, 2024, Venture Academy filed a request to continue the due process an additional three weeks, to 4:00 PM on May 20, 2024, due to several events that occurred in the life of Venture Academy's attorney, including her own illness, a death in

her family requiring travel to attend services, and upcoming attendance at an out-of-state law conference.

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).)

Venture Academy has established good cause to continue the due process hearing based on its attorney's circumstances.

The request is granted. Written closing argument is due by 4:00 PM on Monday May 20, 2024.

IT IS SO ORDERED.

*Kara Hatfield*

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings