

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

MADERA UNIFIED SCHOOL DISTRICT

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2024050882

ORDER DENYING MADERA UNIFIED SCHOOL DISTRICT'S

REQUEST FOR CONTINUANCE

JUNE 04, 2024

On May 29, 2024, Madera Unified filed a Motion to Continue the Due Process Hearing, because its counsel will be in a due process hearing in another, previously filed matter. No response to the motion was received by the Office of Administrative Hearings.

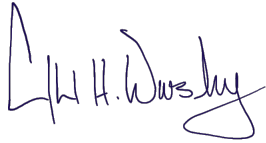
A due process hearing must be conducted, and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, 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).)

Here, Madera Unified seeks a continuance because its counsel, Kidd Crawford, is scheduled for a hearing in another, previously filed matter, on the same dates. The hearing in this matter is presently scheduled for June 18, 19, and 20, 2024. However, OAH convened a prehearing conference in the other, older matter on June 3, 2024, at which attorney Crawford appeared. At that time, the other, older matter's hearing was continued to August 2024. Therefore, the hearing conflict in Attorney Crawford's calendar has been resolved and the hearing in this matter may proceed as scheduled.

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