

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ROSEVILLE CITY SCHOOL DISTRICT.

OAH CASE NUMBER 2024060065

ORDER DENYING REQUEST FOR CONTINUANCE

JUNE 26, 2024

On June 25, 2024, the parties filed a joint request to continue the due process hearing with the Office of Administrative Hearings, OAH.

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).)

All requests for continuance must be supported by good cause. Here, the parties used an OAH form for requests for mediation, yet only requested a continuance. This is not merely form over substance. When an initial mediation and continuance are jointly requested, the mediation constitutes good cause to continue the hearing. Here, no mediation was requested, and the parties provided no reason for the requested continuance. Accordingly, the request for continuance is denied for lack of good cause.

All prehearing conference and due process hearing dates are confirmed and will proceed as calendared. Nothing in this order precludes the parties from requesting a continuance for good cause.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis

Administrative Law Judge

Office of Administrative Hearings