BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017051304 ORDER DENYING REQUEST FOR CONTINUANCE

On September 15, 2017, Parent on behalf of Student filed a request to continue the dates in this matter. In an unsworn pleading she states that on August 31, 2017, her car was vandalized and her computer, containing all her data for this case, was stolen. She further states that she is in the process of obtaining a new computer and retrieving her data from her "computer carrier." On September 20, 2017, Fairfield-Suisun filed an opposition to the motion, arguing that good cause to continue has not been shown.

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. (See 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; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied. The hearing dates are confirmed and shall proceed as now calendared. According to Parent her computer was stolen on August 31, 2017, more than two weeks before she moved for continuance. This matter was continued on June 14, July 10, and August 16, 2017, and set for completion of hearing on August 28 and 29, 2017. Due to

difficulties in obtaining American Sign Language interpreters the matter was continued again, and is now scheduled for October 3 and 4, 2017. ASL interpreters have now been confirmed for October 3, 2017. Fairfield-Suisun's complaint seeks approval of an individualized education program that would govern the current school year, which is well under way. The need for prompt resolution of this matter is clear. By October 3, 2017, Parent will have had more than a month to resolve the problems relating to her computer. Good cause is not shown for a further continuance.

The parties are admonished that, due to the reasons above, **no further application for continuance will be entertained absent truly extraordinary circumstances established by declarations sworn under penalty of perjury**.

IT IS SO ORDERED.

DATE: September 22, 2017

DocuSigned by:
Charles Marson
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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings