BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017010745 ORDER DENYING STUDENT'S REQUEST FOR CONTINUANCE

On February 6, 2017, Student filed a request to continue the dates in this matter with the Office of Administrative Hearings, based upon Student's attorney unavailability due to a conflict with the hearing dates in OAH Case Nos. 2016101114 and 201609853. On February 7, 2017, Placentia-Yorba Linda Unified School District filed notice with OAH that it would file an opposition to Student's continuance, but has not as of the issuance of this order.

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. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. District filed this action on January 23, 2017, and OAH's January 25, 2017, scheduling order set this matter for a prehearing conference on

February 13, 2017, and hearing on February 16, 2017. Student gives two reasons in her continuance request. Student first contends that her attorney is not available due to a conflict in another matter that was set for hearing before this matter. However, OAH on February 9, 2017, continued OAH Case Nos. 2016101114 and 201609853, so Student's attorney no longer has a conflict. Secondly, Student expressed a desire for the parties to mediate. However, mediation is voluntary and District has not given any indication that it wishes to mediate in this matter. Finally, both parties indicated in their respective prehearing conference statements that this matter can be completed in one day. Therefore, Student has not established good cause why this matter cannot go to hearing on February 16, 2017.

IT IS SO ORDERED.

DATE: February 9, 2017

DocuSigned by:
Peter Paul Castillo
F0BCD8A6A62C4E9...

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings