BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: LUCIA MAR UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019020827 ORDER DENYING UPDATED REQUEST FOR CONTINUANCE AND NOTICE OF NO ACTION

On April 2, 2019, Lucia Mar Unified School District filed an updated request to continue the dates in this matter with the Office of Administrative Hearings because its counsel requires additional time to prepare for hearing. On April 2, 2019, Student filed a two-page letter in which he opposes any continuance and requests that OAH correct his individualized education programs, grant four additional years of education for Lucia Mar's denial of a free appropriate public education, and take other corrective action if OAH finds that his education has been compromised.[1]

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:

[1] Student also filed a request for reasonable accommodations which will be separately addressed by OAH's Americans with Disabilities Act coordinator.

☒ Denied. All hearing dates are confirmed and shall proceed as calendared. The facts that Lucia Mar's counsel did not anticipate a continuance of an earlier-filed matter scheduled for hearing on the same dates as this case, and did not allocate sufficient time to effectively prepare for the hearing in this case, do not constitute good cause to continue the matter.

Student is hereby advised that OAH will take no action on his additional requests specified above. As indicated in the Order Following Prehearing Conference, the hearing in this matter will only address the issue and proposed resolutions identified by Lucia Mar in its request for due process.

IT IS SO ORDERED.

DATE: April 3, 2019

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Theresa Ravandi
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THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings