BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. POWAY UNIFIED SCHOOL DISTRICT,	OAH Case No. 2018060763
POWAY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018080048 ORDER DENYING REQUEST FOR CONTINUANCE

On January 9, 2019, the parties filed a joint request for mediation and to continue the dates in this matter with 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. (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. The parties have requested a mediation, but have not provided any statement of good case for a continuance of this action. The parties were instructed by the November 30, 2018 Order Granting Motion to Amend Complaint that, due to the age of the original matter and the fact that a continuance was previously granted, any further continuance request must establish good cause by way of declaration. No such declaration was submitted. Accordingly, the request is denied. In addition to submitting a declaration of good cause, the parties are further advised to proposed alternative dates for mediation in the event that their requested date is not available.

IT IS SO ORDERED.

DATE: January 10, 2019

DocuSigned by:
Chris Butchko
34B49AF59A2749D...

CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings