BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

and

ENTERPRISE ELEMENTARY SCHOOL DISTRICT,

OAH CASE NUMBER 2021040393

OAH CASE NUMBER 2021020664

ORDER DENYING REQUEST FOR CONTINUANCE

JUNE 22, 2021

On June 21, 2021, the parties filed with the Office of Administrative Hearings, referred to as OAH, a "Joint Request to Schedule a Mediation and Continue Hearing Dates." 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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (Cal. Rules of Court, rule 3.1332(d).)

Student's complaint, OAH case number 2021040393, has been pending since April 2021, and Enterprise's complaint, OAH case number 2021020664, has been pending since February 2021. Both parties' subsequent requests to amend were granted. The parties submitted their joint request without providing any cause supporting the requested continuance. Additionally, no request for mediation, which may have established good cause, was made. As such, their request for continuance is denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi
Administrative Law Judge
Office of Administrative Hearings