BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LAKE ELSINORE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016040427 ORDER GRANTING FURTHER REQUEST FOR CONTINUANCE OF DATE FOR CLOSING ARGUMENTS

After a due process hearing conducted on September 28 and 29, continuing on October 4 and 5, and continuing on October 21, 2016, the parties were granted a continuance to November 14, 2016 to file closing arguments. On November 14, 2016, Student's counsel requested a further continuance to November 18, 2016 to file the closing arguments, based upon an illness in the family and other extenuating circumstances. That request was unopposed and granted.

On November 18, 2016, the parties filed a joint request for a further continuance to November 21, 2016 to file closing arguments, based upon Student's counsel being engaged in another due process hearing, mediation and a District Court trial. District counsel's schedule, being similarly impacted, stipulated to the brief continuance.

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:

☒ Granted. The date for closing arguments is hereby further continued from November 18, 2016 to November 21, 2016. The 45-day timeline to issue a written decision is equally extended.

IT IS SO ORDERED.

DATE: November 21, 2016

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Cole Dalton
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COLE DALTON
Administrative Law Judge
Office of Administrative Hearings