BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019101110

ORDER GRANTING REQUEST FOR CONTINUANCE TO SUBMIT CLOSING ARGUMENTS

OCTOBER 15, 2020

On September 10, 2020, the hearing in this matter was continued to October 19, 2020, for the parties to file their closing written arguments, at which time the matter would be submitted for decision. On October 15, 2020, Compton Unified School District and Student filed a joint stipulation requesting that the time for filing the closing briefs be continued. Compton's counsel requested a one-week continuance for filing final briefs because of an exigent family matter that has required his personal attention and investment of time. Student agreed to a seven-day 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; 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 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; 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. Compton counsel's personal situation is good cause for the requested continuance to file written closing briefs. The requested continuance is relatively short and Student has agreed to the continuance. A party is entitled to make a closing argument before a matter is submitted for decision. Here, the request for written closing argument was granted. The request for continuance is granted.

ORDER

1. The request for continuance of the hearing is granted.
2. This hearing is continued to Monday, October 26, 2020 to permit the parties to file written closing.

3. The parties shall file and serve their closing briefs no later than October 26, 2020 at 5:00 PM, at which time the matter will be submitted for decision.

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings

