

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

POWAY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2009020454

ORDER DENYING REQUEST FOR
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. (34 C.F.R. § 300.515(a) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) A motion to continue shall include all facts which support a showing of good cause to continue the hearing. (Cal. Code Regs., tit. 1, § 1020.) In considering motions to continue, OAH also may look to the California Rules of Court for guidance. (Cal. Rules of Court, rule 3.1332.)

Student requests that either the prehearing conference be advanced or the hearing be delayed so that he can have time to serve subpoenas on witnesses. Student contends that he cannot identify the witnesses to be served with subpoenas until after he receives the District's prehearing conference statement. He also contends that additional time is required because of the prior disobedience of subpoenas by District's witnesses and the granting of motions to quash for not timely serving subpoenas. These contentions, without more, do not provide a reasonable basis to continue this matter. The request for continuance is:

Denied. All prehearing conference and hearing dates and timelines shall proceed as calendared.

IT IS SO ORDERED.

Dated: February 27, 2009

/s/

JUDITH KOPEC
Administrative Law Judge
Office of Administrative Hearings