

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

LOS GATOS UNION ELEMENTARY  
SCHOOL DISTRICT,

v.

PARENT on behalf of STUDENT.

OAH CASE NO. 2010020960

ORDER DENYING REQUEST FOR  
CONTINUANCE

On April 15, 2010, Student submitted a request to continue the due process hearing in this matter. Student requests the continuance for the following reasons: Student's expert witness is unavailable to testify on the date of the hearing, the expert is unable to complete the assess Student until August or September, and that no assessment can be done until June, which is six months after the District's assessment, to avoid "retesting bias." On April 16, 2010, District submitted its opposition to the request.

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); 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).) In weighing motions for continuances in special education due process matters, the Office of Administrative Hearings (OAH) looks to California Rules of Court for guidance. Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

OAH has reviewed the request for good cause and the request is:

Denied. Student has failed to establish good cause. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Student's attorney notified OAH of his representation in February 2010. On March 15, 2010, OAH granted the parties' joint request for a continuance, which scheduled this matter on the dates requested by both

parties. It appears that this conflict was easily avoidable by either retaining an expert before the prior request for continuance was made, or by retaining an expert who is available for the currently scheduled date.

IT IS SO ORDERED.

Dated: April 19, 2010

/s/

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JUDITH A. KOPEC  
Presiding Administrative Law Judge  
Office of Administrative Hearings