

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

DRY CREEK JOINT ELEMENTARY
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2010091063

ORDER DENYING STUDENT'S
REQUEST FOR CONTINUANCE

On December 30, 2010, Student filed a request to continue all dates in this matter on the grounds that Student was seeking to consolidate this matter with Student's case against the Dry Creek Joint Elementary School District (District), Office of Administrative Hearings (OAH) Case No. 2010110717. On December 31, 2010, District filed an opposition to Student's request for continuance. On December 31, 2010, OAH denied Student's request for consolidation, under a separate order in OAH Case No. 2010110717.

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 ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

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

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Student's requested continuance was based upon the anticipated consolidation of this matter with OAH Case No. 2010110717, which was denied. While the parties contend this case will require more than one day of hearing, Student has not established that he is unavailable for consecutive days of hearing beginning January 12, 2011. Accordingly, Student failed to establish good cause.

IT IS SO ORDERED.

Dated: December 31, 2010

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings