

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

SAN MATEO-FOSTER CITY SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011041091

ORDER DENYING REQUEST FOR  
CONTINUANCE

On May 9, 2011, Parent, on behalf of Student, filed a request to continue the initially set dates in this matter. The San Mateo-Foster City School District (District) did not file a response. However, it is not clear from Student's continuance request whether Student served a copy of the continuance request on the District's legal counsel.

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 without prejudice. All hearing dates and timelines shall proceed as calendared. Here, Student requested a continuance of the hearing dates, and the Office of Administrative Hearings (OAH) is inclined to grant the continuance of the initially set dates. However, Student did not meet and confer with the District regarding new hearing dates as is requested by OAH, nor apparently serve a copy of the continuance request on the District's legal counsel. Forms are available on the OAH website that explain the procedure. Student may re-submit the request to continue after discussing the request with the District.

IT IS SO ORDERED.

Dated: May 13, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings