

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SADDLEBACK VALLEY UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011061208

ORDER DENYING REQUEST FOR
CONTINUANCE

On July 29, 2011, Student filed a request for a continuance on the ground of “numerous family emergencies.” No detail was provided. Student did not serve District with the request, nor does Student show that any attempt was made to contact District to attempt to find mutually agreeable dates. Student also did not state when Parent would be available for hearing.

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); Ed. Code, §§ 56502, subd. (f), 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 does not appear to have faxed the request to District. In addition, OAH requires that parties who are requesting a continuance must contact the opposing party to try to agree to dates prior to filing a request. Even if District will not agree, Student provides no details, nor any indication when Student would be able to proceed. Forms are available on the OAH website that explain the procedure. Trial setting conferences are set only in unusual cases. Student may resubmit the request after contacting District and providing additional detail.

IT IS SO ORDERED.

Dated: August 05, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings