

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGUITO UNION HIGH SCHOOL
DISTRICT, ET AL.

OAH CASE NO. 2011070189

ORDER DENYING REQUEST FOR
CONTINUANCE

On August 19, 2011, counsel for San Dieguito Union High School District (District) filed with the Office of Administrative Hearings (OAH) a motion to continue the initially scheduled hearing dates in the case. On August 22, 2011, Parent, on behalf of Student, opposed 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 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. The District gave as the reason for a continuance of this matter the engagement by its counsel in another OAH matter. The hearing dates in the other matter have been continued, such that District counsel is available for the scheduled hearing date in this case. At the prehearing conference, the parties can discuss the need for additional hearing dates.

IT IS SO ORDERED.

Dated: August 22, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings