

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

MORGAN HILL UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2011100526

MORGAN HILL UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011061147

ORDER DENYING REQUEST FOR
CONTINUANCE

On November 10, 2011, Student filed a request to continue the dates in this matter on the ground that his counsel has other due process hearings calendared for the same dates or near the same dates as the one in this case. On November 15, 2011, the Morgan Hill Unified School District filed an opposition to Student's request asserting that it was entitled to a speedy resolution and further delay of this case would put the anticipated decision date into spring 2012.

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, the Office of Administrative Hearings (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 prehearing conference and hearing dates are confirmed and shall proceed as calendared. While Student's request to continue states that his counsel has conflicting hearings on and around the date of hearing in

this matter, Student fails to identify the conflicting matters. Student's counsel has failed to provide any information, either in the motion or through declaration, as to when the other matters were scheduled and whether they are continuing due process hearings. Accordingly, Student's request to continue is denied without prejudice.

IT IS SO ORDERED.

Dated: November 16, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings