

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

EL DORADO UNION HIGH SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011110251

ORDER DENYING REQUEST FOR
CONTINUANCE

On November 18, 2011, Parents, on behalf of Student, filed with the Office of Administrative Hearings (OAH), a request for continuance of this matter, another pleading entitled "Appeal to Motion to Dismiss," and a third entitled "Request for Stay Put."¹ El Dorado Union High School District did not file a response.

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 hearing dates and timelines shall proceed as calendared. Here, Student has requested a continuance of the hearing dates, and OAH is inclined to grant the continuance. However, there is no indication that the parties met and conferred regarding new hearing dates as is requested by OAH. Forms are available on the OAH website that

¹ The latter two motions will be ruled upon separately.

explain the procedure. If the parties cannot agree to new dates, Student may re-submit the request to continue with information concerning attempts to meet and confer with the District, as well as a showing of good cause as to why a continuance is being requested.

IT IS SO ORDERED.

Dated: November 23, 2011

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings