

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

DEL MAR UNION SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011110310

ORDER DENYING REQUEST FOR
CONTINUANCE

On January 30, 2012, Parents, on behalf of Student, filed with the Office of Administrative Hearings (OAH) a request to continue the currently scheduled hearing dates in the matter. On February 8, 2012, counsel for the Del Mar Union School District, after receiving notice of the request a day earlier, filed with OAH an opposition to 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).)

Here, Parents seek a continuance of the currently scheduled February 16 and 17, 2012, due process hearing dates, based upon the fact that Father works for the Veterans Administration as a medical doctor, and the VA has a policy that requires 60 days notice prior to rescheduling a physician's clinic, and that, on February 17, 2012, Father has planned an annual trip with Student, starting at 3:00 p.m.

These facts do not constitute good cause to further continue this matter. Under special education law, the District is entitled to a speedy resolution of its claim, and, already, there have been three previous continuances in the case.

IT IS SO ORDERED.

Dated: February 08, 2012

/s/

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