

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

SANTA CRUZ COUNTY OFFICE OF  
EDUCATION,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012010773

ORDER DENYING REQUEST FOR  
CONTINUANCE

On February 2, 2012, the Santa Cruz County Office of Education (County) filed a request to continue the dates in this matter due to unavailability of counsel. On February 6, 2012, Student filed an opposition on the grounds that County failed to meet and confer.

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. All hearing dates and timelines shall proceed as calendared. Here, while Student opposes the request, the opposition is based upon County's failure to meet and confer, and attempt to obtain mutually agreeable dates from Student. Student seems agreeable to a continuance but does not agree to County's dates. The parties shall meet and confer, and thereafter, they may file a joint request to continue or either party may file its own request for continuance.

IT IS SO ORDERED.

Dated: February 7, 2012

/s/

BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings