

OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

INSTRUCTIONS - PLEASE READ CAREFULLY

REQUEST FOR CONTINUANCE OF INITIAL SPECIAL EDUCATION DUE PROCESS HEARING DATE

Upon receipt of a request for due process hearing and/or mediation, the Office of Administrative Hearings issues a scheduling order which identifies a mediation date, the name of the assigned mediator, one hearing date, and the decision due date. These dates are set to insure compliance with the federally mandated timelines.

Federal law does provide for an exception to the federally mandated timelines. OAH has created a form which is intended to assist parties who wish to agree to continue the timelines for hearing and issuance of a decision. This form may only be used if you are agreeing to continue the initial dates that were identified in the scheduling order.

If you are not in agreement to continuance of the dates identified in the scheduling order or are making a second request for continuance you must submit a motion or letter requesting a continuance and identify your reason for requesting the continuance. OAH will allow the parties three business days to respond to your request for continuance before issuing a ruling. OAH will review the letter or motion to determine whether good cause for the requested continuance has been demonstrated.

Continuance of Hearing Date

The parties may agree to continue the hearing date to dates that are no more than 60 days after the initial due process hearing date. You should also agree upon how many days for hearing will be needed and identify the total number of hearing days needed. An example of a request would be

Requested Hearing Dates: June 1-3, 2008 (3 days total)

Selecting a Prehearing Conference Date

In addition to selecting dates for due process hearing, the parties must also agree on a date for a prehearing conference. The date selected for a prehearing conference must be either a Monday or a Friday and no more than 14 days prior to the first day of hearing. The time selected must be either 10 am or 1:30 pm.

Upon review and approval of this request, you will receive a copy of the document signed by an Administrative Law Judge.

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Case Number: _____

Student Name: _____

Initial Hearing Date: _____

Requested Hearing Dates: _____

Prehearing Conference Date/Time: _____

Both parties understand and agree that by changing the due process hearing dates they are agreeing to extend the timeline for issuance of a decision.

(Signature of Parent/Representative)

Date

(Signature of District/Agency Representative)

Date

(Signature of Other Party/Representative)

Date

FOR OAH USE ONLY

REVIEWED AND APPROVED

The request of the parties has been reviewed and good cause being demonstrated the matter is continued to the dates requested by the parties.

The Administrative Law Judge assigned to hear this matter will be _____.

The decision due date in this matter is extended to: _____.

It is so ordered this the ____ day of _____, 2008.

Administrative Law Judge