

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

WHITTIER UNION HIGH SCHOOL  
DISTRICT,

v.

PARENT on behalf of STUDENT.

OAH CASE NO. 2008120008

ORDER DENYING REQUEST FOR  
CONTINUANCE

On March 5, 2009, Parent filed a motion to continue the March 16-19, 2009 due process hearing on the ground that she was scheduled to have surgery on March 26, 2009 and during the days of the hearing would be “doing pre-operation procedures in the medical offices.” A note from a doctor attached to the motion showed only that Parent was scheduled to have surgery on March 26, 2009 and could return to work by May 19, 2009. The District opposed the motion on the ground that it was not supported by the doctor’s note. During the recorded, telephonic, prehearing conference, the parties were given an opportunity to argue the motion to continue. At that time, Parent stated that she had medical appointments on the morning of May 18 and 19, 2009, and that generally she was seeking a continuance to avoid the stress of hearing.

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).) 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).)

Here, although Parent’s desire to avoid the stress of a hearing is understandable, Parent’s request for a continuance was not supported by the doctor’s note that she submitted. This case involves a Student who turned 22 (the maximum age of special education eligibility) on March 6, 2009. The sole issue in this case is whether the District can implement an IEP dated May 23, 2008, which parent will not consent to. This matter has been pending for over three months as of the date of the motion for continuance. Parent has not produced evidence showing good cause for a continuance under these circumstances.

The request for a continuance is denied.

Dated: March 09, 2009

/s/

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RICHARD BREEN  
Administrative Law Judge  
Office of Administrative Hearings