

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009040745

ORDER DENYING REQUEST FOR
CONTINUANCE

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).) For expedited matters, the hearing must occur within 20 school days of the date of filing. (20 U.S.C. § 1415(k).) 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 that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020.) In weighing motions for continuances in special education due process matters, the Office of Administrative Hearings (OAH) looks to California Rules of Court for guidance. Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

Denied. Here, this matter was originally set in error on dates more than 20 school days from the date of filing. The current dates will permit the hearing to be held in a timely manner. Further, there was no good cause demonstrated by the parties, and even if there were, the statute does not permit good cause continuances. Accordingly, all prehearing conference and hearing dates and timelines shall proceed as calendared. If the parties would like to mediate the matter, they should agree upon a date before the hearing date and OAH will schedule mediation.

IT IS SO ORDERED.

Dated: May 6, 2009

/s/
RICHARD M. CLARK
Administrative Law Judge
Office of Administrative Hearings