

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

OAK PARK UNIFIED SCHOOL  
DISTRICT AND VENTURA COUNTY  
DEPARTMENT OF BEHAVIORAL  
HEALTH.

OAH CASE NO. 2009050496

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).) 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).)

Here, this case was filed on May 13, 2009. The case was initially set for hearing on July 23, 2009. On June 25, 2009, a continuance was granted to the dates agreed to by all parties. Now, the parties merely state that they are unavailable on the dates they previously agreed to and are now requesting hearing dates in March 2010, ten months after the case was filed. This request does not provide good cause for a continuance and is.

X Denied, all prehearing conference and hearing dates and timelines shall proceed as calendared.

IT IS SO ORDERED.

Dated: October 06, 2009

/s/

ANN F. MACMURRAY  
Presiding Administrative Law Judge  
Office of Administrative Hearings

