

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CABRILLO UNIFIED SCHOOL  
DISTRICT,

v.

PARENT on behalf of STUDENT.

OAH CASE NO. 2009060137

ORDER DENYING REQUEST FOR  
CONTINAUCE

On June 16, 2009, attorney Elizabeth Estes, counsel for District, May 12, 2009, submitted a request to continue the due process hearing. This request was not signed by Student's parents, and did not contain proposed hearing dates. The request contained no explanation as to why the parties were not able to meet and confer regarding new dates.

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).)

Denied. All hearing dates and timelines shall proceed as calendared. Here, the parties have requested a continuance of the hearing dates, and OAH is inclined to grant the continuance because it involves only a continuance of the initial hearing date and the parties have not yet mediated. However, the parties did not meet and confer regarding new hearing dates as is requested by OAH. Forms are available on the OAH website that explains the procedure. Trial setting conferences are set only in unusual cases. The parties may re-submit the request to continue, signed by both parties, after they have agreed upon hearing dates.

IT IS SO ORDERED.

Dated: June 17, 2009

/s/

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DEBRA HUSTON  
Administrative Law Judge  
Office of Administrative Hearings