

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL  
DISTRICT, ORANGE COUNTY  
DEPARTMENT OF EDUCATION,  
CALIFORNIA CHILDREN'S SERVICES.

OAH CASE NO. 2009060450

ORDER DENYING REQUEST FOR  
CONTINUANCE

On August 17, 2009, the parties submitted a request to set a status conference asserting that California Children's Service has not responded to any requests and does not have legal representation. On August 17, 2009, the District filed a separate motion to continue based upon the need for more hearing days.

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 to set a status conference, but have not indicated why the parties cannot agree upon new dates and submit those to OAH. OAH is inclined to grant a continuance in this matter and set the matter for mediation on the dates agreed upon by the parties, but must wait three days for responses from any parties. In addition, the parties did not meet and confer regarding new hearing dates as is requested by OAH. Forms are

