

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN RAMON VALLEY UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2010100676

ORDER GRANTING REQUEST FOR  
CONTINUANCE OF DUE PROCESS  
HEARING

This matter is now calendared for due process hearing on March 28, 2011, at 1:00 p.m. The hearing was previously continued to that date upon the representation of the parties that they were close to settlement.

On Friday, March 25, 2011, the Office of Administrative Hearings (OAH) received notice from Parent's then-attorneys Mandy Leigh and Sarah Fairchild of the Leigh Law Group that the hearing would proceed on March 28, 2011. Later that same day, attorneys Leigh and Fairchild notified OAH that they had withdrawn as attorneys for Parent and Student. After business hours on that same day, Parent left a recorded telephone message for OAH stating that she was unable to participate in the hearing on March 28, 2011, and needed to retain counsel. On March 28, 2011, Parent filed a written request for a continuance so that she could seek new counsel.

On March 28, 2011, a telephonic status conference was held in this matter. Parent represented Student. Sarah Daniel, Attorney at Law, represented the District. Karen Heilbronner, the District's Secondary Director of Special Education, also participated. Parent represented that she was unable to proceed at this time and needed a continuance of two weeks to obtain counsel. The District opposed the motion.

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)(2006); 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 and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Parent has shown good cause for a continuance of two weeks. She is not an attorney, and learned only on the business day before the hearing that she was no longer represented.

She has not obtained all the papers and pleadings in this matter from her former attorneys, and is not prepared to proceed in this matter. The matter is somewhat complex, involves seven issues, and is estimated to require six days for hearing.

Parent's request for a two-week continuance of the due process hearing is therefore GRANTED. Since this matter has been pending for some time, the parties are cautioned that further requests for continuance will be disfavored. Parent was informed that, until another attorney files an appearance or notice of representation on her behalf, she will be regarded as representing herself and Student.

The due process hearing herein is continued to April 12, 13, 14, 18, and 21, 2011. Further hearing dates will be determined on April 21 if necessary.

IT IS SO ORDERED.

Dated: March 28, 2011

/s/

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CHARLES MARSON  
Administrative Law Judge  
Office of Administrative Hearings