

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. 2010110455

ORDER DENYING REQUEST FOR  
CONTINUANCE

On February 9, 2011, the San Francisco Unified School District (District) filed a request to continue the due process hearing dates in this matter on the grounds that a key witness is unavailable to testify on the currently scheduled dates. On February 10, 2011, Student filed an opposition to District's request to continue.

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, the Office of Administrative Hearings (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).)

OAH has reviewed the request for good cause and the request is:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Here, District has failed to support the unavailability of the witness through sworn affidavit or declaration. This matter is set for due process hearing on February 22 through 24, 2011. According to District, the witness will become available on February 28, 2011. District does not assert that the witness is necessary to its case preparation or the unavailability of the witness would prevent it from presenting its case, except for the testimony of the witness. Accordingly, at the prehearing conference in this matter, set for February 15, 2011, the parties may

discuss additional due process hearing dates to take the testimony of the witness after February 28, 2011.

IT IS SO ORDERED.

Dated: February 11, 2011

/s/

---

BOB VARMA  
Administrative Law Judge  
Office of Administrative Hearings