

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SAN DIEGUITO UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011060359

ORDER GRANTING STUDENT'S
REQUEST FOR CONTINUANCE OF
FINAL DAY OF DUE PROCESS
HEARING

The parties were scheduled to complete the final day of hearing in this matter on December 13, 2011. However, due to the sudden illness of Administrative Law Judge (ALJ) Carla L. Garrett, ALJ Garrett continued the final day of hearing to December 16, 2011. On December 15, 2011, Student filed a request to continue the final day of hearing due to illness. On December 16, 2011, ALJ Garrett held a telephonic conference with the parties, where Student's father appeared on behalf of Student, and Justin Shinnefield, Attorney at Law, appeared on behalf of District. During the telephonic conference, the parties selected a mutually convenient date for the final day of hearing: January 11, 2012 at 10:00 a.m.

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 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 granted. This matter will be set as follows:

Due Process Hearing: January 11, 2012 at 10:00 a.m. (Final Day)

IT IS SO ORDERED.

Dated: December 16, 2011

/s/

CARLA L GARRETT
Administrative Law Judge
Office of Administrative Hearings