

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN RAFAEL CITY SCHOOLS
ELEMENTARY SCHOOL DISTRICT.

OAH CASE NO. 2011080500

ORDER DENYING REQUEST FOR
CONTINUANCE

On September 22, 2011, the San Rafael City Schools Elementary School District (District) moved to continue the dates in this matter on the grounds that counsel was unavailable due to a pending due process hearing in another matter. On September 27, 2011, Student filed an opposition to District's 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); 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 hearing dates and timelines shall proceed as calendared. District's counsel cites a conflicting due process hearing in *Student v. Pacifica Elementary School District*, OAH Case No. 2011061088, as grounds for the continuance in this matter. However, that matter was settled and the pupil in that matter dismissed her case on September 23, 2011. Accordingly, District's motion is denied as moot.

IT IS SO ORDERED.

Dated: September 27, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings