

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012020259

ORDER DENYING REQUEST FOR
CONTINUANCE

On March 19, 2012, counsel for the Capistrano Unified School District filed with the Office of Administrative Hearings (OAH) a motion to continue the initially scheduled hearing dates in the case, based upon a scheduling conflict with another OAH matter. On the same day, counsel for Student filed with OAH an opposition to the request. On March 21, 2012, the parties submitted additional briefing on the issue. From this briefing, it appears that the District no longer has a scheduling conflict with a case filed prior in time to this matter.

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).)

Denied. The District has not shown good cause to continue the hearing dates in the case.

IT IS SO ORDERED.

Dated: March 22, 2012

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings