

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SANTA ROSA CITY SCHOOLS,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011100706

ORDER DENYING REQUEST FOR
CONTINUANCE

On October 20, 2011, the Santa Rosa City Schools (District) filed a request to continue the dates in this matter. On October 21, 2011, Student filed what appears to be a non-opposition to District's request.

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:

Denied. All hearing dates and timelines shall proceed as calendared. In its complaint, District requested hearing dates of either November 28 – 30, or December 5 – 7, 2011. In its request for a continuance, District specifically limited the request to November 28 – 30, 2011. Student is agreeable to the December 2011 dates. It is apparent that both parties desire a continuance, however, it is equally apparent that neither party has discussed mutual dates with the other. Accordingly, the parties should meet and confer and either file a joint request to continue or file a proper motion and opposition.

IT IS SO ORDERED.

Dated: October 24, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings