BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: SAN LEANDRO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019020613 ORDER DENYING REQUEST FOR CONTINUANCE

On March 12, 2019, Parent on behalf of Student filed a request to continue the dates in this matter. Parent is self-represented. Parent asserts that she believed the case had been dismissed based on the fact that she received a letter from San Leandro Unified School District informing her that they would grant her requested independent educational evaluation in the area of academics. Mother asserts that she believed the entire case was being withdrawn as opposed to just the issue of the academic evaluation; so was surprised to discover, when contacted to appear for the Prehearing Conference on March 11, 2019, that the other issues in the case were proceeding to hearing. On March 14, 2019, San Leandro opposed the request stating the information they had provided to Parent had clearly stated they were dismissing a single issue not the entire case.

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).)

Parent has failed to state good cause for a continuance. Given the fact that several independent educational evaluations had been requested and all of them were the subject of the hearing in this matter, Mother's assertion that she believed the resolution of one element

of the dispute would result in the entire case being withdrawn lacks credibility. The request is DENIED. All hearing dates and timelines shall proceed as calendared.

IT IS SO ORDERED.

DocuSigned by:
Penelope S. Pahl
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DATE: March 14, 2019

PENELOPE S. PAHL
Administrative Law Judge
Office of Administrative Hearings