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. 2013100168 ORDER DENYING REQUEST FOR CONTINUANCE

On October 11, 2013, Parent, on behalf of Student (Student), filed a request to continue the dates in this matter. Student used a joint request for continuance form, but did not meet and confer with the San Leandro Unified School District (District). On October 11, 2013, District filed an opposition to Student's request for continuance.

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 for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) However, when a matter is filed as an expedited due process hearing case, the Office of Administrative Hearings (OAH) has to hold a due process hearing within 20 school days of the filing of the case. (20 U.S.C. § 1415(k)(4)(B).) OAH has no discretion to grant a continuance that would result in the due process hearing being held beyond 20 school days from the filing of the complaint. This case is subject to an expedited due process hearing schedule.

Accordingly, Student's request to continue the dates in this matter is denied. All mediation, prehearing conference and due process hearing dates are confirmed.

IT IS SO ORDERED.

Dated: October 11, 2013

/s/
BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings