

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SANTA BARBARA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021060391

ORDER DENYING REQUEST FOR CONTINUANCE OF
PREHEARING CONFERENCE

SEPTEMBER 15, 2021

On September 15, 2021, Student filed a request to continue the prehearing conference in this matter, followed by an amended request to continue the PHC. The motion asks that the prehearing conference scheduled for Friday September 17, 2021, at 3:00 PM, be rescheduled to 4:00 PM. The motion was not a joint motion. Student's counsel represents in a declaration that Santa Barbara's counsel agrees to the change.

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).)

Prehearing conferences are a required part of the hearing process. The August 27, 2021 order granting a continuance of the hearing, ordered the prehearing conference to be held at 3:00 PM on September 17, 2021.

Student's request to reschedule the prehearing conference to 4:00 PM Friday September 17, 2021, is denied. OAH does not schedule prehearing conferences for 4:00 PM. While an alternative time might have been available on Monday, September 20, 2021, alternative times were not proposed. Furthermore, given the late filing, and the lack of a joint request, there is inadequate time to receive Santa Barbara's input on the motion prior to the scheduled PHC. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Penelope S. Pahl

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Administrative Law Judge

Office of Administrative Hearings