

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENTS ON BEHALF OF STUDENT,

v.

SWEETWATER UNION HIGH SCHOOL DISTRICT

OAH CASE NUMBER 2021080734

ORDER GRANTING REQUEST FOR CONTINUANCE OF DUE
PROCESS HEARING

SEPTEMBER 23, 2021

On August 20, 2021, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Sweetwater Union High School District. OAH set the due process hearing for October 12, 13, and 14, 2021.

On September 20, 2021, Sweetwater Union High School District filed a motion to continue the matter to December 17, 2021, due to the unavailability of counsel. Student did not file a response to the motion.

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 reviewed the requests for good cause and considered all relevant facts and circumstances. Sweetwater Union High School District established good cause for a continuance by way of declaration of counsel's unavailability through November 18, 2021, but not through December 17, 2021. Accordingly, a short continuance is granted. All dates are vacated. This matter is set as follows:

PREHEARING CONFERENCE will be held on November 19, 2021, at 3:00 p.m.

DUE PROCESS HEARING will be held on November 30, December 1 and 2, 2021.

The hearing shall begin at 9:30 a.m. on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than

three business days before the prehearing conference or with a showing of good cause why it was not timely filed.

IT IS SO ORDERED

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings