

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SANTA CLARA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090056

ORDER DENYING REQUEST FOR CONTINUANCE

OCTOBER 14, 2021

On September 1, 2021, Student filed a request for due process hearing with the Office of Administrative Hearings, referred to as OAH. On October 14, 2021, the parties jointly requested a continuance of this matter based on their need to submit their settlement agreement for board approval.

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).)

The parties represent that the matter has been settled "in principle" and awaits submission to the Santa Clara School Board for consideration of approval. OAH has an established process by which parties may submit the signature page of their settlement agreement and the date of the scheduled board meeting to request that prehearing conference and hearing dates be vacated pending completion of a school board's approval processes. No good cause for a continuance of the prehearing conference or hearing to November 22, 2021, has been established.

The request for continuance is denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Nothing in this order prevents the parties from utilizing the established process to vacate dates based on board consideration of their settlement.

IT IS SO ORDERED.

Penelope S. Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings