

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

FREMONT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021090809

ORDER DENYING REQUEST FOR CONTINUANCE

NOVEMBER 9, 2021

On September 27, 2021, Student filed a request for due process hearing with the Office of Administrative Hearings, referred to as OAH, naming Fremont Unified School District as respondent. On November 9, 2021, the parties jointly requested a continuance. No grounds for the request to continue the case were stated.

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).)

All requests for continuances require a showing of good cause. In this case, the form for requesting a mediation and a continuance was used. That form states:

"This form may only be used to continue hearing dates if the mediation date you want is after the date scheduled for the hearing. If you want to continue the hearing date, but it has nothing to do with scheduling a mediation, you will need to submit a separate request or motion.

Generally, scheduling a mediation after the date currently scheduled for hearing is grounds for a continuance. In this case, no mediation was requested in conjunction with the continuance and no other good cause for continuance was established.

The motion is Denied. 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