

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021110346

ORDER DENYING REQUEST FOR CONTINUANCE

DECEMBER 20, 2021

On December 16, 2021, the parties filed jointly with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter, based upon the parties' impacted calendars, holidays, and OAH closures.

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 has already granted the parties' joint request to hearing once before in order to accommodate mediation, and mediation is set for January 7, 2022. The new requested hearing dates will be months after the scheduled mediation date. The parties have not set forth any particular facts regarding the dates they are unavailable for hearing, nor have the parties requested a new mediation date. The parties have not established good cause for the requested continuance of hearing dates. The request is:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Nothing in this order shall preclude the parties from resubmitting their request with additional facts supporting it.

IT IS SO ORDERED.

Claire Yazigi

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings