

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021120613

ORDER DENYING REQUEST FOR CONTINUANCE

JANUARY 19, 2022

On January 14, 2022, the parties filed jointly with the Office of Administrative Hearings, referred to as OAH, a request to continue this matter, based upon a desire to continue settlement discussions.

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).)

Here, the parties have requested that hearing be continued for two weeks to allow for further settlement discussion among the parties. A desire to continue settlement discussions does not constitute good cause for a continuance.

The parties' request is DENIED. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Nothing in this order shall prevent the parties from filing a joint request for mediation if they so choose.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Claire Yazigi".

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings