

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

CARPINTERIA UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2021120904

ORDER DENYING REQUEST FOR CONTINUANCE OF
EXPEDITED DUE PROCESS HEARING

JANUARY 6, 2022

On December 28, 2021, Carpinteria Unified School District filed with the Office of Administrative Hearings, referred to as OAH, a request for an expedited due process hearing. OAH set the due process hearing to begin on February 1, 2022. On January 3, 2022, Student filed a request to continue this matter, based upon Student's attorney's unavailability on the scheduled hearing dates. Student's motion asserts his attorney met and conferred with Carpinteria's attorney, who did not oppose a one-week continuance.

A due process hearing of expedited claims must be conducted within 20 school days of the date the expedited due process hearing request was filed.

(20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2).) The procedural right to an expedited due process hearing is mandatory, and OAH is not authorized to make exceptions or grant continuances of expedited matters. (*Ibid.*) As applicable in this district-filed expedited matter, a hearing can only be unexpedited or continued if no issue is alleged that is subject to an expedited hearing, or if the party who filed the complaint dismisses the issues in the complaint that triggered the expedited hearing. The filing party may dismiss the expedited issues without prejudice.

Carpinteria's request for due process hearing only raises expedited issues, and therefore cannot be continued. Student failed to prove the requested due process hearing date of February 8, 2022, would allow the expedited hearing to begin with 20 school days of the date Carpinteria filed the request.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Denied. All expedited prehearing conference and expedited hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings