

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

HAWTHORNE SCHOOL DISTRICT.
OAH CASE NUMBER 2021120504

ORDER DENYING REQUEST FOR CONTINUANCE

MARCH 21, 2022

On December 13, 2021, Student filed a Request for Due Process Hearing naming Hawthorne School District as respondent. On January 19, 2022, the parties' joint request to continue this matter and schedule mediation was granted. On March 21, 2022, the parties jointly filed a form request for mediation and continuance seeking only further continuance of the hearing. No cause for the requested continuance was 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).)

The parties have erroneously used a form for requesting a continuance in conjunction with requesting a mediation, to seek a second continuance of this case. However, this request is not denied solely due to a failure to use a correct form. Rather, the request for continuance is denied for failure to state good cause for continuance, which is required of all continuance requests. (Ed. Code, § 56505, subd. (f)(3).)

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