

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SWEETWATER UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024050496

ORDER DENYING REQUEST FOR CONTINUANCE OF DUE
PROCESS HEARING

JUNE 20, 2024

On June 20, 2024, the parties jointly filed a request to continue the due process hearing with the Office of Administrative Hearings, or OAH, to July 9, 2024.

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' sparse request did not offer any reason why OAH should consider the motion, since it was not filed at least three business days before prehearing conference as required by scheduling order. Further, the parties offered no reason, and thus did not establish good cause, for the request to continue due process hearing. The form the parties used to make their request is used for an initial jointly requested continuance when the parties request mediation, and jointly requested mediation constitutes good cause for a continuance. In the event the parties do not seek a mediation, they must independently establish good cause for the requested continuance.

The motion to continue is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared. Nothing in this Order shall prevent the parties from resubmitting their request.

IT IS SO ORDERED.

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

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings