BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ORCUTT UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2025060356

ORDER DENYING ORCUTT UNION'S REQUEST FOR CONTINUANCE OF EXPEDITED HEARING

JUNE 25, 2025

On June 10, 2025, Student file a due process complaint against Orcutt Union School District alleging both expedited and non-expedited issues. On June 10, 2025, the Office of Administrative Hearings, called OAH, issued a Scheduling Order setting hearing dates for both the expedited and non-expedited portions of the case.

On June 17, 2025, Orcutt filed a request to continue the expedited due process hearing with OAH. On June 20, 2025, Student opposed the request.

Orcutt contends the hearing should be continued because Student consented to the alternative placement thereby invalidating the expedited timeline for hearing and decision in an expedited case, and that there is good cause on Orcutt's behalf to

continue the expedited hearing. Student contends the hearing should not be continued because there is no basis to continue an expedited hearing and decision.

The parent of a child with a disability who disagrees with the manifestation determination may appeal the decision by requesting a hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006).) The hearing must be conducted within 20 school days of the date an expedited due process hearing request is filed and a decision must be rendered within 10 school days after the hearing ends. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2) (2006).)

Here, Orcutt cites no legal basis for a continuance of an expedited hearing that would allow modification of the prescribed timeline for an expedited hearing and decision. Further, Orcutt cites no legal basis for Student's consent to an alternative placement forming the basis to allow modification of the prescribed timeline for an expedited hearing and decision.

The request is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared. Orcutt will have the opportunity to discuss the hearing schedule at the prehearing conference.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings