

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010021069

ORDER DENYING REQUEST FOR
CONTINUANCE

On April 6, 2010, the District submitted a motion to continue based upon conflicts with two previously scheduled and filed matters before the Office of Administrative Hearings (OAH.) On April 9, 2010, Student filed an opposition to the motion to continue. On April 12, 2010, the District filed a reply to the opposition. On April 12, Student filed a reply to the District's reply.

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 that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020.) In weighing motions for continuances in special education due process matters, the Office of Administrative Hearings (OAH) looks to California Rules of Court for guidance. Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

Denied. All prehearing conference and hearing dates shall proceed as calendared. Here, the two matters listed as a conflict in the original motion filed by the District have been continued. Thus, they are no longer an impediment to the District proceeding to hearing. Accordingly, the motion to continue is denied. The parties can work with the assigned administrative law judge to select additional dates for hearing if necessary. The matter is confirmed.

IT IS SO ORDERED.

Dated: April 13, 2010

/s/

RICHARD CLARK
Presiding Administrative Law Judge
Office of Administrative Hearings

