

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

BELLFLOWER UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2010050509

ORDER DENYING REQUEST FOR
CONTINUANCE

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, 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

OAH has reviewed the request for good cause and the request is:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. The prehearing is scheduled for June 7, 2010 and the hearing is scheduled for June 14, 2010. Here, the Parent on behalf of Student has requested a continuance of the mediation to July 2, 2010 which is a date after the schedule prehearing and hearing dates. Parent must make more of a showing that attempts were made to contact the District. At the least, Parent must submit proof that the request was faxed or mailed to the District and that was not done. Parent may resubmit the request for continuance after meeting and conferring with the District concerning dates for a continuance.

IT IS SO ORDERED.

Dated: June 03, 2010

/s/

ANN F. MACMURRAY
Presiding Administrative Law Judge
Office of Administrative Hearings

