

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010060613

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PHC/HRG

On April 6, 2011, the parties filed a stipulated request to continue the single hearing date on the first amended due process hearing request to mutually agreed dates in the future. Because the first amended due process hearing request was filed in February of 2011, which reset all timelines, the request will be granted despite the initial complaint having been filed in June of 2010.

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 for good cause. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 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).)

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

Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: 9/7/11 at 10:00 AM

Due Process Hearing: 9/12-15/11 at 1:30 PM first day, 9:30 AM after.

IT IS SO ORDERED.

Dated: April 06, 2011

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge (acting)
Office of Administrative Hearings