

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PALOS VERDES PENINSULA UNIFIED  
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2010071059

ORDER DENYING REQUEST FOR  
CONTINUANCE

On July 23, 2010, District filed a request for due process hearing under the expedited provisions of the law. Without citation to legal authority supporting such a request, the parties jointly requests that the case be continued.

LEGAL AUTHORITY

If a District believes that maintaining the current placement of a special education child is substantially likely to result in injury ot eh child or other may request an expedited hearing. (20 U.S.C. § 1415(k)(3); 34 C.F.R. § 300.532(a).) Whenever a hearing is requested under these provisions, the hearing must be expedited and must occur within 20 school days of the date the complaint requesting a hearing is filed. The hearing officer must make a determination within 10 school days after the hearing. (20 U.S.C. § 1415(4)(B); 34 C.F.R. § 300.532(c)(2).)

DISCUSSION

The parties cite no legal authority for the request to continue the expedited hearing and none is found. Therefore, the request to continue is denied. This order does not preclude the District from withdrawing this case and filing it as a regular filing or refileing when the parties are available to attend an expedited matter but, as currently postured, the matter must proceed on an expedited basis.

ORDER

The request to continue is denied. The matter shall proceed as scheduled and all dates are confirmed.

IT IS SO ORDERED.

Dated: July 30, 2010

/s/

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