

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

NEWPORT-MESA UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2010110397

ORDER DENYING REQUEST FOR
CONTINUANCE

On March 1, 2011, Parent, on behalf of Student, filed a request to continue the prehearing conference and hearing dates in this matter based upon recent events in Egypt and that relatives may have been injured during the uprising. On March 2, 2011, the Newport-Mesa Unified School District filed an opposition based upon Parents failure to allege specific facts regarding any injury to relatives.

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, 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:

Denied without prejudice. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Student failed to set forth sufficient facts, in a declaration under penalty of perjury, as to any injury to relatives in the Egyptian uprising, or why this request was not made sooner. Student may resubmit the motion to continue with appropriate supporting documentation.

IT IS SO ORDERED.

Dated: March 2, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings