

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CONEJO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011020220

ORDER DENYING REQUEST FOR
CONTINUANCE WITHOUT
PREJUDICE

On July 6, 2011, the parties filed a stipulated request for a continuance to a prehearing conference on September 26, 2011 and a hearing October 3-6, 2011. The reason given was that there is an unspecified contingency in a signed, final settlement agreement that will occur by October 3, 2011. Prior to filing the request, the parties had not timely filed PHC statements with OAH as required, and had represented that the matter would settle in full prior to the established prehearing conference date.

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); see also 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. The parties have not demonstrated good cause for a continuance based on the unspecified contingency and need to provide some detail about the nature of the contingency and when it will occur. In addition, the parties have requested a PHC date in September, but stated that the contingency may not occur until October 3, 2011. The parties need to submit realistic dates that post-date the contingency, particularly the PHC date, as it is expected that should the contingency not occur, the parties will timely submit PHC statements and be prepared for hearing without OAH having to call them. The parties may re-submit the request for continuance in compliance with this Order.

IT IS SO ORDERED.

Dated: July 06, 2011

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge (acting)
Office of Administrative Hearings