

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

GROSSMONT UNION HIGH SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011020431

ORDER DENYING REQUEST FOR
CONTINUANCE OF EXPEDITED
HEARING DATES

On February 9, 2011, counsel for Grossmont Union High School District filed with the Office of Administrative Hearings (OAH) a Request for Expedited Due Process Hearing alleging, in pertinent part, that maintaining Student in his current special education placement is substantially likely to result in injury to Student or others due to behaviors that Student displays in his current placement.

On February 16, 2011, OAH issued an Amended Expedited Scheduling Order that set the following hearing dates in the case: a prehearing conference for February 23, 2011, and a due process hearing for February 28 to March 2, 2011.

On February 18, 2011, Parent, on behalf of Student, filed with OAH a request to continue the presently scheduled hearing dates in this expedited matter.

Under federal special education law, a local educational agency (LEA), such as the District, can request a due process hearing when the LEA "believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others." (34 C.F.R. § 300.532(a)(2006).) With such a case, OAH must treat the matter as in an expedited manner, and hold the hearing within 20 school days of the filing of the complaint, and issue a decision within 10 school days after the hearing. (34 C.F.R. § 300.532(c)(2) (2006).) This law is mandatory and does not permit OAH to continue the hearing dates in expedited matters. Accordingly, Parent's request to continue is denied. The currently scheduled hearing dates shall remain on calendar.

IT IS SO ORDERED.

Dated: February 18, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings

