

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TWIN RIVERS UNIFIED SCHOOL  
DISTRICTS.

OAH CASE NO. 2011020840

ORDER DENYING IN PART MOTION  
FOR CONTINUANCE

This matter is set for hearing on August 29, through September 1, 2011. On August 26, 2011, the parties filed a joint request to continue the hearing dates in this matter to allow the parties to finalize settlement. Pending is Twin Rivers Unified School District's (District) motion to dismiss, filed on August 22, 2011, and Student's response, which was due on August, 25, 2011. The Office of Administrative Hearings (OAH) has not received a response from Student to the motion to dismiss.

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 in part. The parties did not establish good cause to continue all hearing dates so that the parties may effectuate a final settlement. Therefore, the first day of hearing is vacated to allow the parties an opportunity to settle this matter, and will be set as follows:

Due Process Hearing: August 30, 31 and September 1, 2011, at 9:00 a.m.,  
with the exception of August 31, 2011, which shall  
begin at 1:00 p.m.

As to Student's response to the District's motion to dismiss, Student's response shall be filed and served on OAH and the opposing party by 4:00 p.m. on August 29, 2011.

IT IS SO ORDERED.

Dated: August 26, 2011

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings