

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SADDLEBACK VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011030402

ORDER DENYING REQUEST FOR
CONTINUANCE

On March 23, 2011, the parties filed a request to continue the due process hearing date of May 5, 2011, to September 19 through 21, 2011. No reason for such a lengthy continuance was given.

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, the Office of Administrative Hearings (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. All hearing dates and timelines shall proceed as calendared. OAH is inclined to grant a continuance, however, the parties have failed to provide information as to why they require a continuance longer than 90 days from the initial date of due process hearing. The parties may resubmit their request with further information.

IT IS SO ORDERED.

Dated: March 23, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings