

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  SAUGUS UNION SCHOOL DISTRICT,	OAH CASE NO. 2011040302
SAUGUS UNION SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011030122  ORDER DENYING REQUEST FOR CONTINUANCE

On April 21, 2011, the parties filed a stipulated request to continue all dates in this consolidated matter to mutually agreed dates in the near future. The request did not address that on April 20, 2011, District's NOI was granted as to four of the five issues alleged in Student's complaint; requiring that Student amend the complaint prior to proceeding to hearing.

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 at this time. All hearing dates and timelines shall proceed as calendared. Here, the parties have requested a continuance of the hearing dates, and OAH is inclined to grant the continuance. However, District's NOI was granted as to four of the five issues alleged in Student's complaint, such that Student must file a new complaint if he wishes to proceed on those claims. If Student files an amended complaint, all timelines must be reset.

Accordingly, granting a request for a continuance is premature at this time until Student determines whether he will file an amended complaint. Accordingly, if Student wishes to proceed only on the one issue found sufficient by the NOI ruling, the parties should resubmit the continuance request with a declaration from Student to that effect. If Student

intends to amend the complaint, then the parties should resubmit the continuance request after the amended complaint is filed.

IT IS SO ORDERED.

Dated: April 21, 2011

/s/

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RICHARD T. BREEN  
Presiding Administrative Law Judge (acting)  
Office of Administrative Hearings