

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ASPIRE CHARTER SCHOOLS AND EL
DORADO COUNTY OFFICE OF
EDUCATION CHARTER SPECIAL
EDUCATION LOCAL PLAN AREA.

OAH CASE NO. 2011070606

ORDER DENYING REQUEST FOR
CONTINUANCE

On August 5, 2011, Student filed a request to continue the dates in this matter. Student provided no indication that any attempt had been made to meet and confer with the respondent regarding mutually agreeable dates.

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).) 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. All hearing dates and timelines shall proceed as calendared. Here, Student has requested a continuance of all dates, and OAH is inclined to grant the continuance. However, the parties did not appear to have met and conferred regarding new hearing dates as is requested by OAH. Trial setting conferences are set only in unusual cases. Student may resubmit the request to continue after obtaining mutually agreed dates from respondent, or documenting that Student attempted to find agreeable dates but the other party refused.

IT IS SO ORDERED.

Dated: August 11, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings