

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FRANKLIN-MCKINLEY SCHOOL
DISTRICT.

OAH CASE NO. 2011080583

ORDER DENYING REQUEST FOR
CONTINUANCE

On November 7, 2011, the Franklin-McKinley School District (District) filed a request to continue the due process hearing in this matter on the grounds that Student has failed to timely serve his evidence upon District.

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 are confirmed and shall proceed as calendared. While it is true that Student has failed to timely serve his evidence, there is nothing to suggest that a Parent, who has been informed as to the procedural requirements involved in a due process hearing and has so far failed to follow them, will suddenly serve evidence upon District if a continuance is granted. At the hearing, District may raise any appropriate objections to Student's case, on the grounds of failure to serve evidence.

IT IS SO ORDERED.

Dated: November 10, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings