

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011090647

ORDER DENYING REQUEST FOR
CONTINUANCE

On January 26, 2012, the parties filed a request to continue the dates in this matter. This is a second request for continuance, as the parties have previously been granted a continuance based upon their reaching an interim agreement. The parties did not provide an explanation for why a second continuance is required. Furthermore, the parties request that the Office of Administrative Hearings (OAH) schedule a mediation for January 30, 2012, a Monday. OAH does not normally calendar mediations for Mondays and may do so at its discretion.

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).)

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. OAH would consider granting a second request for continuance if the parties provide an explanation for the request. Furthermore, at this time OAH cannot accommodate the parties' request for Monday mediation.

IT IS SO ORDERED.

Dated: January 27, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings