

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BALDWIN PARK UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2009070989

ORDER DENYING REQUEST FOR  
CONTINUANCE

On April 4, 2012, the parties filed a stipulated request to continue the prehearing conference to unspecified dates on the ground that Student intended to file a motion to amend this week. No agreed-upon dates for a prehearing conference and hearing were provided and no motion to amend was filed.

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. No new hearing dates were provided as is required by OAH. More importantly, Student's amended complaint was filed on August 7, 2009, and the remand order from the United States District Court specifies that this is the operative pleading for purposes of further proceedings before OAH. Student fails to explain why amending the complaint would be appropriate, given that the remand order specifies the pleading to be considered on remand. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Dated: April 05, 2012

/s/

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