

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CULVER CITY UNIFIED SCHOOL  
DISTRICT,

v.

PARENT on behalf of STUDENT

OAH CASE NO. 2009120348

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PHC/HRG

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 that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020.) In weighing motions for continuances in special education due process matters, the Office of Administrative Hearings (OAH) looks to California Rules of Court for guidance. Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

The issues in this district filed case is whether it may assess Student in accordance with assessments plans of October 9, 2009 and March 12, 2010 without parent consent. The basis for Student's request for continuance is that the assessments will not be completed before the end of may and that the hearing should be continued until June. While District opposes a continuance until June, it agreed to a short continuance until mid-May. Whether the assessments are completed has no bearing on the issues in this case and District has compromised with reasonable alternative dates.

OAH has reviewed the request for good cause and the request is:

Granted. All dates are vacated. This matter will be set for the following dates and times:

Prehearing Conference: 04/28/2010 at 10:00 AM  
Due Process Hearing: 05/12/2010 through 05/13/2010 and 05/17/2010 at  
9:30 AM

IT IS SO ORDERED

Dated: April 15, 2010

/s/

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ANN F. MACMURRAY  
Presiding Administrative Law Judge  
Office of Administrative Hearings