

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010100646

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PHC/HRG

On April 7, 2011, the parties filed a joint, stipulated request for a continuance of the hearing dates on the ground that the parties are close to settlement with the exception of details for the remainder of this school year. The parties have identified dates certain for hearing, but also alleged that if the matter does not settle, additional preparation time is required by both parties. As discussed below, although the continuance will be granted, no further continuances are contemplated.

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), see also 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 granted. All dates are vacated. However, this matter was filed by Student in October of 2010. At the time, Student presumably had some factual basis for the filing, including some idea of what the documentary evidence and witnesses would be at hearing. The hearing in this matter has been continued multiple times, such that given the age of the case and IDEA's mandate for speedy hearings, a purported need for additional hearing preparation does not constitute good cause. Accordingly, no further continuances are contemplated. This matter will be set for a telephonic Prehearing Conference on June 8, 2011 at 1:30 p.m., and hearing on June 13-16, 2011 at 1:30 p.m. and 9:30 a.m. thereafter. Additional hearing dates may be requested at the Prehearing Conference if necessary.

IT IS SO ORDERED.

Dated: April 7, 2011 /s/

RICHARD T. BREEN
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings