

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011010149

ORDER DENYING REQUEST FOR  
CONTINUANCE

On May 2, 2011, the parties filed a stipulated request to continue the hearing for four months, to September of 2011. The reason given for the request was that at a recent IEP team meeting, the team decided to do additional assessments and reconvene. As discussed below, good cause for a continuance has not been presented.

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).)

Here, the parties have not shown good cause. The complaint in this matter was filed on January 7, 2011 and made allegations related to the entire statute of limitations period stretching back to January of 2009. A recent IEP team meeting in the current school year is outside the scope of the issues in the complaint that would be heard at hearing. Assessments that show Student's current needs in May of 2011 are not relevant to determining whether the District provided Student a FAPE for the period between January 7, 2009 and January 7, 2011. Further, the parties have already had a lengthy continuance and are seeking a hearing date over eight month from the date of filing. Accordingly, the request for a continuance is denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Dated: May 02, 2011

/s/

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