

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011010389

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE OF DUE
PROCESS HEARING

On April 13, 2011, the parties to this matter filed a joint request for a brief continuance in the due process hearing. The parties state that a brief continuance of two weeks is necessary in order to provide time for a second mediation date if one becomes necessary, giving the complexities of the case. The parties do not request a continuance of any other scheduled dates

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).)

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

Granted. The due process hearing is continued to **May 17 through 19, 2011, to begin at 9:30 a.m. on May 17.** All other dates shall remain as presently calendared.

IT IS SO ORDERED.

Dated: April 13, 2011

/s/

DARRELL LEPKOWSKY

Administrative Law Judge

Office of Administrative Hearings