

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011020094

ORDER GRANTING JOINT REQUEST  
FOR CONTINUANCE AND SETTING  
PHC AND HRG

On May 3, 2011, Student and the Long Beach Unified School District (District) filed a joint request to continue the dates in this matter.

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. In support of their claim of good cause, the parties stated that they required more time to engage in settlement negotiations. In addition, the parties advised that the very recent dissolution of the firm of Wyner & Tiffany, Student's counsel, impacted the parties' efforts to prepare for due process hearing and engage in additional settlement negotiations. While requiring more time for settlement negotiations is not, in and of itself, sufficient good cause to warrant a continuance of this matter, the recent dissolution of the law firm belonging to Student's counsel carries some weight. As such, the parties' joint request is granted. However, the parties should not expect any further continuances. All dates are vacated. This matter will be set as follows:

|                        |   |
|------------------------|---|
| Prehearing Conference: | June 6, 2011 at 1:30 p.m.   |
| Due Process Hearing:   | June 13-16, and 20, 2011. OAH does not calendar due process hearing dates on Fridays. On June 13 and 20, 2011, the hearing shall begin at 1:30 p.m. All other days shall begin at 9:30 a.m. |

IT IS SO ORDERED.

Dated: May 03, 2011

/s/

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CARLA L. GARRETT  
Administrative Law Judge  
Office of Administrative Hearings