

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

COMPTON UNIFIED SCHOOL
DISTRICT, LOS ANGELES COUNTY
OFFICE OF EDUCATION AND
CALIFORNIA CHILDREN'S SERVICES.

OAH CASE NO. 2011020489

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PHC/HRG

On July 27, 2011, Student filed a request to continue the matter to dates that have been agreed to by respondents Los Angeles County Office of Education and the California Children's Services. Respondent Compton Unified School District (District) opposes a continuance, arguing that this is a third continuance and good cause was not presented. In its opposition, District did not state it was unavailable on the dates agreed to by the other parties.

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).) 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. All dates are vacated. District fails to factor that procedurally, this is the first continuance for Student's amended complaint, which was filed on May 11, 2011, and which reset all decision timelines. In addition, the matter has been delayed based on District's desire to compel Student to attend a resolution session. Thus, because the delay in proceeding on the amended complaint was in part to give District its right to a resolutions session, more than one day of hearing is required for this multiple party action, and all parties are available on the dates requested, good cause for the continuance has been shown. This matter will be set as follows:

Prehearing Conference: September 19, 2011 at 1:30 PM
Due Process Hearing: September 26-29, 2011 at 1:30 PM on the first day,
9:30 AM after, unless otherwise ordered at the
PHC.

IT IS SO ORDERED.

Dated: July 28, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings