

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TUSTIN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011030305

ORDER GRANTING IN PART AND
DENYING IN PART REQUEST FOR
CONTINUANCE AND SETTING
MED/PHC/HRG

On April 5, 2011, the parties filed a joint request for continuance of this matter. The parties requested a mediation date in May and hearing dates in late September. The request for continuance explained that “both parties are currently scheduled for hearing in the upcoming months as well as the District/employees are off for summer break.”

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).)

Although the parties have shown good cause for a short continuance, they have not shown good cause to continue the hearing in this case for over five months. The continuance request is granted, but the new PHC and hearing dates requested by the parties are denied. Instead, the matter is rescheduled as set forth below:

Mediation:	May 3, 2011, at 9:30 AM
Prehearing Conference:	June 27, 2011, at 10:00 AM
Due Process Hearing:	July 11, 12, 13 & 14, 2011

IT IS SO ORDERED.

Dated: April 6, 2011

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings