

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2011050466

v.

SANGER UNIFIED SCHOOL DISTRICT,

SANGER UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2011060235

v.

PARENT ON BEHALF OF STUDENT.

ORDER DENYING REQUEST FOR
CONTINUANCE

On September 23, 2011, the parties filed a request to continue the dates in this matter on the grounds that they had recently completed assessments of Student and required further time to engage in settlement discussions. They seek a continuance of the hearing to December 12 through 15, 2011. The parties did not request further mediation.

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, the Office of Administrative Hearings (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:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. This matter was filed by Student on May 11, 2011. It has previously been continued because the parties had reached an interim agreement that required further assessment of Student. The parties represent that they believe the matter will settle if given more time to negotiate. However, the parties do not explain why such negotiations will require an additional two and one-half months. They do

not provide any information on the current status of negotiations and they have not requested additional mediation. Therefore, the parties have failed to establish good cause to grant a continuance.

IT IS SO ORDERED.

Dated: September 27, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings