

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT

OAH CASE NO. 2011051173

ORDER DENYING REQUEST FOR
CONTINUANCE WITHOUT
PREJUDICE

Student filed his initial complaint on May 27, 2011. On July 12, 2011, the Office of Administrative Hearings (OAH) granted the parties' joint request for continuance. The parties explained that they were requesting a hearing date more than 90 days after the original filing date of Student's complaint because the District was going to assess Student. On November 4, 2011, Student filed a motion to amend his complaint, which the District did not oppose. OAH thereafter calendared the hearing on Student's amended complaint for a single day on January 3, 2012.

On December 23, 2011, the parties filed a joint request for continuance. The parties request that OAH set a mediation date for January 19, 2012, and set the due process hearing for April 16-19, 2012. The parties also request that OAH select a date and time for the prehearing conference.

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).)

Even assuming that the instant request for continuance is an "initial request" based upon the filing of Student's amended complaint on November 4, 2011; the parties have failed to explain why they request a hearing date more than 90 days after the filing of the amended complaint. The parties give no good cause for the continuance request, which would set the hearing 11 months after Student filed his original complaint.

The parties' request for continuance is therefore denied without prejudice. . All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Dated: December 23, 2011

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings