

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FONTANA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011060182

ORDER DENYING REQUEST FOR
CONTINUANCE

On July 25, 2011 and August 1, 2011, Student filed an ambiguous request seeking either a continuance, or stating that the matter had been settled pending board approval.

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); see also 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 Denied. All hearing dates and timelines shall proceed as calendared. Here, OAH is inclined to grant the request if Student is clear about what is being requested. If no signed settlement agreement pending board approval has been reached, then Student would need to request a continuance. All continuances must be accompanied by proof that the other party agreed to stipulated dates, or show evidence that a meet and confer was attempted. If Student wants a continuance, the request must include agreement to a PHC date and time (Mondays or Wednesdays only at 10:00 a.m. or 1:30 p.m.), as well as agreement to sufficient hearing dates given the issues in the case (Monday through Thursdays only). If a final settlement has been executed pending board approval, Student may submit the signature page and proof of the date of the board meeting at which it will be considered, and the matter can be set for status check. Student is ordered to do one of the two options detailed above.

IT IS SO ORDERED.

Dated: August 01, 2011

/s/

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