

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011080003

ORDER GRANTING THIRD REQUEST  
FOR CONTINUANCE AND SETTING  
PHC/HRG

On November 30, 2011, the parties filed a stipulated third request to continue the hearing dates for approximately one month to try to complete settlement negotiations based on an assessment and IEP meeting. The parties did not ask to move the currently scheduled mediation date or the currently scheduled PHC. The request will be granted, with no further continuances of the hearing date. The PHC will also be continued closer to the hearing dates.

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, with no further continuances. The PHC and hearing dates are vacated. This matter will be set as follows:

Prehearing Conference:     January 11, 2012 at 1:30 PM  
Due Process Hearing:        January 17-19, 2012 at 9:00 AM

IT IS SO ORDERED.

Dated: November 30, 2011

/s/

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