

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

REDLANDS UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011090408

ORDER DENYING REQUEST FOR
CONTINUANCE

On September 28, 2011, the parties filed a stipulated request for a continuance. The parties asked for a mediation date, but inconsistent with OAH policy on continuances, asked that no further dates be set unless needed.

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 denied. All hearing dates and timelines shall proceed as calendared. Here, the parties have requested a continuance of the hearing dates, and OAH is inclined to grant the continuance. However, the parties did not agree to firm PHC and hearing dates as is required by OAH. OAH does not take hearings “off calendar.” Forms are available on the OAH website that explain the procedure. Trial setting conferences are set only in unusual cases, and the unwillingness of the parties to agree on dates is not an unusual case. The parties may re-submit the request to continue after they have agreed upon firm PHC and hearing dates.

IT IS SO ORDERED.

Dated: September 29, 2011

/s/

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