

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

PLACENTIA-YORBA LINDA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011090433

ORDER GRANTING STUDENT'S
REQUEST FOR CONTINUANCE AND
SETTING NEW DUE PROCESS
HEARING DATES

Student filed a request to continue the hearing in this matter on January 9, 2012, immediately before the due process hearing was scheduled to begin. The undersigned Administrative Law Judge heard oral argument off the record concerning the motion. Student's request was based on the illness of one of her attorneys and the fact that the case had recently been transferred from Student's attorney to another attorney. The Placentia-Yorba Linda Unified School District (District) indicated that while it opposed a lengthy continuance, it did not oppose a short continuance based upon the illness of Student's attorney.

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).)

Student has demonstrated good cause for the continuance request due to the illness of her attorney. Her request is therefore granted. The hearing will now be held beginning on Monday, January 30, 2012, through Friday, February 3, 2012, at the District's offices located at 1301 East Orangethorpe Ave., Placentia, CA 92870. The hearing shall start at 11:00 a.m. on the first day of hearing and at 9:00 a.m. on all other days, unless otherwise ordered.

All previous hearing dates are hereby vacated.

IT IS SO ORDERED.

Dated: January 10, 2012

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings