

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

HACIENDA LA PUENTE UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011100071

ORDER DENYING REQUEST FOR
TELEPHONIC STATUS
CONFERENCE

On October 12, 2011, District filed a letter "Request to Schedule Telephonic Status Conference." In essence, District is asking OAH to take the hearing dates "off calendar" pending mediation. This is inconsistent with OAH procedure and OAH will only vacate hearing dates following withdrawal, dismissal, or an executed settlement agreement.

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 and it is denied. All hearing dates and timelines shall proceed as calendared. If District would like to schedule mediation and request a continuance of the hearing dates, it must follow OAH continuance procedures. A continuance will only be granted if the parties agree to mutually agreed dates for mediation, prehearing conference, and hearing that are consistent with OAH policy. Forms are available on the OAH website that explain the procedure. The parties may submit a request for a continuance after they have agreed upon all dates hearing dates and follow well-established OAH procedures.

IT IS SO ORDERED.

Dated: October 13, 2011

/s/

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