

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011120053

ORDER GRANTING SECOND  
REQUEST FOR CONTINUANCE AND  
SETTING MED/PHC/HRG

On March 26, 2012, the parties filed a second stipulated request for a continuance. The reason given was that for unexplained reasons, independent assessments the parties desired as part of settlement negotiations had been delayed, and the parties are requesting as second mediation.

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. However, no further continuances are contemplated because the parties will have had more than ample time for assessments and settlement negotiations. This matter will be set as follows:

Mediation:	May 1, 2012 at 9:30 AM
Prehearing Conference:	May 30, 2012 at 1:30 PM
Due Process Hearing:	June 4-7, 2012 at 1:30 PM first day, 9:00 AM after. [NOTE: OAH does not calendar on Fridays, as requested.]

IT IS SO ORDERED.

Dated: March 28, 2012

/s/

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