

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

BURBANK UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009040217

ORDER GRANTING REQUEST FOR
EXTENSION OF TIME TO FILE
AMENDED COMPLAINT

On April 3, 2009, Parent filed a Due Process Hearing Request (Complaint) on behalf of Student naming the Burbank Unified School District (District). On April 9, 2009, Karen E. Gilyard, attorney for the District filed a Notice of Insufficiency (NOI) as to Student's entire Complaint. The Office of Administrative Hearings (OAH) granted the District's NOI on April 13, 2009, and granted Student 14 days to file an amended complaint or OAH would dismiss the case.

On April 16, 2009, Student filed a request for extension of time to file the amended complaint. Student seeks a two-month extension due to his mother's medical issues.¹ The District did not submit a response.

APPLICABLE LAW

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).) 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).)

DISCUSSION and ORDER

Student's request for extension of time is based on his mother's medical issues that prevent mother from filing a timely amended complaint. Student's request includes a doctor's note that his mother was scheduled for inpatient surgery in mid-April. However, the doctor's note does not state how long Student's mother needs to recover before she could

¹ Student's motion for an extension of time to respond to the District's Motion to Dismiss, filed April 13, 2009, is moot because OAH granted the District's NOI as to the entire complaint.

draft an amended complaint. Because the District has not objected to the request, Student's request is granted in part as the amended complaint is due to OAH and the District by May 15, 2009.

Dated: April 21, 2009

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings