

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT AND LOS ANGELES COUNTY
MENTAL HEALTH.

OAH CASE NO. 2009060018

ORDER DENYING REQUEST FOR
CONTINUANCE

On July 7, 2009, the District and Student submitted a request to continue the initial due process hearing dates set in this matter. There is no indication that Mental Health was served with the motion to continue or otherwise agreed to new dates.

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 that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020.) In weighing motions for continuances in special education due process matters, the Office of Administrative Hearings (OAH) looks to California Rules of Court for guidance. Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

Denied. All prehearing conference and hearing dates and timelines shall proceed as calendared. OAH is inclined to grant the continuance. However, all parties must agree upon new dates, not just the District and Student. The parties may resubmit the request to continue with proper service on all parties and after they meet and confer about new dates.

IT IS SO ORDERED.

Dated: July 8, 2009

RICHARD M. CLARK
Administrative Law Judge
Office of Administrative Hearings