

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010031068

ORDER DENYING REQUEST FOR
CONTINUANCE

On April 14, 2010, Student filed a request to continue the dates in this matter. Student wishes to schedule a mediation session and requests that the hearing be continued until after May 20, 2010. Student did not provide any reason for the request. District did not file a response.

On April 14 a prehearing conference was conducted. Student did not appear at the prehearing conference, although OAH provided both written and personal notice to Student's mother. District's motion to continue the hearing was granted at the prehearing conference, and the following dates were set: a prehearing conference was scheduled on May 3, 2010, and the hearing was scheduled for May 10, 2010. A telephonic status conference was scheduled for April 26, 2010.

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).)

OAH has reviewed the request for good cause and the request is:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Student did not provide any facts establishing good cause for a continuance.

IT IS SO ORDERED.

Dated: April 21, 2010

/s/

JUDITH A. KOPEC
Presiding Administrative Law Judge
Office of Administrative Hearings