

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FRESNO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010050374

ORDER DENYING REQUEST FOR
CONTINUANCE

On May 18, 2010, the parties filed a stipulation to advance the dates in this matter, which is currently scheduled for mediation on May 27, prehearing conference on June 9, and hearing on June 14, 2010. The parties request that mediation be scheduled on May 19, the prehearing conference on May 24, and the hearing on June 1 to 3, 2010. The parties offer no explanation for the requested change.

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 and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, 3.1332 .) 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. OAH is unable to schedule mediation with less than one day's notice. Since the requested prehearing conference date is prior to the scheduled mediation date, it is assumed that the parties do not wish the prehearing conference and hearing dates to be changed. All hearing dates and timelines shall proceed as calendared.

IT IS SO ORDERED.

Dated: May 18, 2010

/s/

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