

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010050862

ORDER GRANTING EXTENSION OF
TIME TO FILE CLOSING BRIEFS

On March 7, 2011, the due process hearing in this matter was completed. The parties were given to March 28, 2011, to file closing briefs.

On March 15, 2011, Student requested a copy of the audio recording of the hearing. On March 17, 2011, Student moved for an extension of time in which to file his closing brief on the ground that the audio recordings would not be available until March 22, 2011. On March 18, 2011, the District filed an opposition to the motion.

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)(2006); 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, the Office of Administrative Hearings (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).)

Student has shown good cause for a brief extension of time in which to file his closing brief. The District's only arguments are that Student waited eight days to request the recordings and has not shown that they are necessary for briefing. However, use of the audio recording will facilitate more accurate briefing. The schedule for delivery of the audio records to Student is the responsibility of OAH, not Student. The extension granted herein is brief, and the District does not argue that it will be prejudiced in any way by such an extension.

The parties may have until April 7, 2011, to file closing briefs.

IT IS SO ORDERED.

Dated: March 21, 2011

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings