

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

DEL MAR UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011010683

ORDER DENYING REQUEST FOR
CONTINUANCE WITHOUT
PREJUDICE

On February 7, 2011, Parent, on behalf of Student, submitted a request to the Office of Administrative Hearings (OAH) to alter the initially scheduled hearing dates in the case. Counsel for the District has not responded to this request.

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, rule 3.1332 .)

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

Denied. All hearing dates and timelines shall proceed as calendared. Here, one party has requested a continuance of the hearing dates, and OAH is inclined to grant the continuance. However, the parties did not meet and confer regarding new hearing dates as is requested by OAH. Forms are available on the OAH website that explain the procedure. Trial setting conferences are set only in unusual cases. The parties may re-submit the request to continue after they have agreed upon hearing dates.

IT IS SO ORDERED.

Dated: February 11, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings