

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. 2011030648

ORDER DENYING REQUEST FOR
CONTINUANCE

On April 14, 2011, Student filed a request to continue the dates in this matter. The District did not respond.

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, 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).)

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

Denied. All hearing dates and timelines shall proceed as calendared. Here, Student requested a continuance of the hearing dates. However, there is no proof of service from Student showing the District was served with the request, nor is there information that the parties met and conferred regarding new hearing dates, as is requested by OAH. Forms are available on the OAH website that explain the procedure. The parties may re-submit a request to continue after they have agreed upon hearing dates. If they cannot agree, individual requests to continue may be filed.

IT IS SO ORDERED.

Dated: April 21, 2011

/s/

REBECCA FREIE

Administrative Law Judge

Office of Administrative Hearings