

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ETIWANDA SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011031344

ORDER DENYING REQUEST FOR
CONTINUANCE

On April 11, 2011, the parties filed a joint request to vacate the existing dates and set a trial setting conference on the ground the parties wanted to attend an IEP team meeting.

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 for good cause. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 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, the parties have requested a continuance of the initial, single hearing date, 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: April 12, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings