

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

LANCASTER SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011040862

ORDER DENYING REQUEST FOR
CONTINUANCE

On May 11, 2011, the Lancaster School District filed a single page letter stating that the parties had agreed upon new dates for hearing and mediation that would result in the hearing in this matter occurring approximately six months after the date the request for due process hearing was filed. No explanation was given for why such a lengthy continuance was required.

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. While OAH will generally grant stipulated first continuance requests to a reasonable time in the near future, i.e., less than 90 days, some evidence of good cause is required for continuances in excess of 90 days. Accordingly, the request is denied without prejudice.

IT IS SO ORDERED.

Dated: May 12, 2011

/s/

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