

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MONROVIA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011050411

ORDER DENYING REQUEST FOR
CONTINUANCE

On September 7, 2011, the parties filed a stipulated request for a continuance on the ground that District needs to substitute the counsel who will represent them at hearing. The request sought dates during the week of October 17-21, 2011 when OAH is dark for state-wide training, and was ambiguous as to whether the PHC needed to be continued as well.

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); see also 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 hearing dates, and OAH is inclined to grant the continuance. However, the parties need to select dates other than the week of October 17-20, 2011, keeping in mind that OAH does not calendar on Fridays. In addition, a renewed request should expressly state whether the parties are also seeking a continuance of the PHC, and if so, the parties should provide a Monday or Wednesday stipulated date. Forms are available on the OAH website that explain the procedure. The parties may re-submit the request to continue after they have agreed upon hearing dates.

IT IS SO ORDERED.

Dated: September 07, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings