

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BONITA UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011050867

ORDER DENYING REQUEST FOR  
CONTINUANCE

On November 2, 2011, the parties filed a stipulated second request for a continuance in excess of 120 days. The parties did not give any explanation of good cause.

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. The parties have already been granted a continuance of the initial hearing date that was in excess of 120 days, a time that was more than sufficient to conduct any assessments for purposes of settlement negotiations. The allegations of the complaint all concern events from 2009 through May of 2011, when the due process hearing request in this matter was filed. Moreover, given the age of this matter, a second continuance of over 120 days is facially unreasonable in light of the IDEA's express intent that due process hearing requests be concluded to decision within 45 days of the date of filing. Good cause has not been shown for any further continuances. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Dated: November 03, 2011

/s/

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