

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

HUNTINGTON BEACH CITY SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011060677

ORDER DENYING REQUEST FOR
CONTINUANCE

On June 15, 2011, the Huntington Beach City School District, through counsel, filed with the Office of Administrative Hearings (OAH) a Request for Due Process Hearing-Only, that named Student. The complaint seeks approval of a District assessment of Student performed in May 2011. On August 17, 2011, the parties engaged in a prehearing conference, with August 30 and 31, 2011, as the pending hearing dates in the matter. On August 19, 2011, counsel for Student filed with OAH a request to continue the hearing dates until after September 30, 2011, based upon a pending psychiatric report. On August 23, 2011, counsel for the District filed with OAH an opposition to the request for continuance.

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).)

Student's request for a continuance is denied. A pending private evaluation does not constitute good cause for further delay of the due process hearing in this matter.

IT IS SO ORDERED.

Dated: August 24, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings