

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BELLFLOWER UNIFIED SCHOOL
DISTRICT, ET AL.

OAH CASE NO. 2011060785

ORDER DENYING REQUEST FOR
CONTINUANCE

On August 2, 2011, the parties filed a letter request for continuance. Although the parties agreed to a mediation date and hearing date, they did not agree to a PHC date, or appear to have given consideration to whether one hearing day is sufficient.

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 hearing dates, and OAH is inclined to grant the continuance. However, the parties failed to agree to a PHC date as required by the OAH first continuance request form. The parties are generally represented by experienced special education attorneys who should know that OAH requires a meet and confer as to all dates, including the PHC date, and that the request should be for a sufficient number of hearing days in light of the issues. The parties may resubmit the request on the OAH form after agreeing to all dates. If the request is received prior to the August 3, 2011 PHC, the PHC need not go forward.

IT IS SO ORDERED.

Dated: August 02, 2011

/s/

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