

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011100084

ORDER DENYING REQUEST FOR
CONTINUANCE

On February 2, 2012, the parties filed a second stipulate request to continue the hearing dates for an additional 60 days on the ground that the parties had previously requested a continuance to conduct assessments, and that the assessments were not completed but were expected to be discussed at an IEP team meeting on February 16, 2012.

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. The parties were granted a generous first continuance in excess of 90 days for the purpose of conducting the assessments and holding settlement negotiations. At the time the continuance was granted, the parties were expressly warned that future continuances were not contemplated given the length of the continuance. Considering that under the IDEA a school district assessment is expected to be completed and an IEP meeting held within 60 days, the parties have had more than ample time to complete assessments, and have offered no good cause explanation for why the assessments were not completed. More importantly, the parties fail to explain why a continuance is required if an IEP team meeting is scheduled for mid-February and the current hearing dates are in March. The parties are free to request mediation on any date prior to hearing consistent with OAH mediation scheduling policies.

IT IS SO ORDERED.

Dated: February 03, 2012

/s/

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