

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CULVER CITY UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2009120348

ORDER GRANTING REQUEST FOR
CONTINUANCE; HEARING SHALL
BEGIN MAY 13

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); 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, 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

Parent on behalf of Student has recently filed two motions. First, on May 3, 2010, Student filed Motion After Prehearing Conference. In that Motion, Parent again requests a continuance. On May 6, 2010 filed Emergency Motion to Amend Hearing Calendar. In this motion, Parent requests a continuance and sanctions against District.

In the Order following PHC, ALJ Jones denied Parent's motion for continuance but permitted Student leave to renew her continuance motion no later than May 5, 2010 at 5:00pm. The Motion After Prehearing Conference is timely and will be considered. The Emergency Motion to Amend will not be considered as it was filed on May 6, 2010 and is not timely.

This hearing is currently set for May 12, 13 and 17. In her Motion After Prehearing conference, of the hearing dates set, Parent has only expressed a conflict with May 12. Parent also expresses a conflict with May 18 and 19 however the due process hearing is not set for those dates.

In the Order Following Prehearing Conference, ALJ Jones ordered that Parent submit a declaration supporting her motion to continue as follows:

“The Declaration shall also include the time and location of the alleged “work appointment” on May 12, 2010, the names and telephone numbers of the individuals who will be participating in that appointment, when Mother set or learned of the date of the appointment, why the appointment must take place on that date and cannot be moved, and why Mother did not notify OAH prior to filing her April 26, 2010, PHC Statement that the appointment conflicted with the hearing dates in this matter.”

Parent refused to provide the level of detail as ordered by ALJ Jones concerning Parent’s alleged work appointment on May 12. Despite the fact that Parent has not provided a detailed explanation of her work conflict on May 12, Parent does state under penalty of perjury that she has such a work contract and that she will make that contract available to OAH for review. Minimal good cause has been expressed regarding a continuance of the May 12, 2010 date. .

Therefore, good cause has been stated to continue this matter from May 12 to May 13. This matter will now begin on May 13 and continue on May 17. If additional hearing days are necessary, those dates will be selected by the hearing ALJ once this matter is underway beginning May 13, 2010. Further, Parent is ordered to bring the referenced work contract of May 12, 2010 with her to the hearing on May 13, 2010 for the Administrative Law Judge’s review.

IT IS SO ORDERED.

Dated: May 11, 2010

/s/

ANN F. MACMURRAY
Presiding Administrative Law Judge
Office of Administrative Hearings