

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

GARDEN GROVE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2010120784

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PHC/HRG

On March 25, 2011, District filed a request for a continuance on the ground that it and its counsel were engaged in another hearing on the dates currently set for hearing in this matter. District requested June 6-9, 2011 on the ground that Student's counsel had orally agreed to these dates. Alternatively, District requested that the hearing be set prior to the end of the school year and that a trial setting conference be held. On March 25, 2011, Student filed two responses demonstrating that Student's counsel is set for a hearing in another OAH matter on June 6-9, 2011, and that the last day of teacher availability in the District is June 24, 2011. Student requested June 20-23, 2011 as the hearing dates.

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).)

Trial setting conferences are set only in unusual cases. This is not one of them. District has requested a continuance of the existing dates. In its request, although District preferred the June 6-9, 2011 dates, District presented no evidence that it was unavailable any other date in June. The only limitation expressed by District was a desire to conduct the hearing prior to the end of the 2010-2011 school year. Student demonstrated that as of the date of the motions to continue, Student's counsel had another hearing scheduled for June 6-9, 2011. Student is not objecting to conducting the hearing prior to the end of the 2010-2011 school year and has suggested dates prior to the end of teacher employment. Accordingly, District's request for a continuance will be granted using the dates suggested by Student. No further requests for a continuance are contemplated. Should counsel for either party have a conflict with another OAH matter during the hearing dates established here, counsel should file a motion for continuance in the other matter.

ORDER

1. District's motion for a continuance is granted.
2. The telephonic prehearing conference shall occur at 1:30 p.m. on June 15, 2011.
3. The hearing in this matter shall occur on June 20-23, 2011 at 1:00 p.m. on the first day, 9:30 a.m. thereafter, unless a different schedule is established at the prehearing conference.

Dated: March 28, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings