

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NORWALK-LA MIRADA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011010174

ORDER DENYING REQUEST FOR
CONTINUANCE

On March 30, 2011, Student filed an unopposed motion for a continuance on the ground that a trial placement change may result in settlement. Student requests a continuance to mid-August, but has not provided specific, mutually agreed 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).)

OAH has reviewed the request for good cause and the request is denied. All hearing dates and timelines shall proceed as calendared. Here, Student has made an unopposed request for a continuance of the hearing dates, and OAH might grant a continuance under the circumstances. However, the parties did not meet and confer to establish new hearing dates as is requested by OAH. On the face of the request, only some of the issues alleged would be resolved by the interim placement, and the possible resolution of Student's other claims is speculative at present. In addition, a request for a four month continuance is unusual given the age of this matter, and absent more detail, it is not plausible that Student's counsel is unavailable for a three month period due to other hearings or court commitments. Student may re-submit the request to continue with mutually-agreed hearing dates and additional detail.

IT IS SO ORDERED.

Dated: April 01, 2011

/s/

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