

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. 2011040074

ORDER DENYING REQUEST FOR  
CONTINUANCE

On January 3, 2012, the parties filed a joint request for a third continuance on the ground that counsel for both parties had conflicts with some, but not all of the existing hearing dates. The parties requested hearing dates in April of 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).) 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. The parties have failed to show good cause for any further continuances, particularly when the only explanation given was that the attorneys have conflicts with some, but not all of the scheduled hearing dates. The parties provided no explanation why they waited until the last possible day to request a continuance, given their knowledge of the hearing dates that they themselves selected. The parties were also advised at the time the second continuance was granted that further continuances were not contemplated. The parties failed to provide any good cause reason why the matter should be heard in April of 2012, a year from the date of filing. Accordingly, the request for a third continuance is denied.

The hearing shall proceed as scheduled and the parties shall file prehearing conference statements. At the prehearing conference, the parties and the hearing ALJ will develop a hearing schedule that allows the hearing to go dark on the days the attorneys have indicated there is a conflict, but shall result in the hearing being completed by no later than the first week of February of 2012.

IT IS SO ORDERED.

Dated: January 03, 2012

/s/

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