

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ALHAMBRA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011040742

ORDER DENYING REQUEST FOR
CONTINUANCE

On May 17, 2011, Student filed a request for a continuance of all dates based on counsel's unavailability for mediation on May 24, 2011. Student's counsel did not contact District's counsel as required by OAH, nor did Student's counsel attempt to arrange a new date for mediation, which is an entirely voluntary proceeding. Student's counsel gave no explanation for why hearing dates would need to be moved based on inability to attend one day of mediation. District opposed the motion on May 18, 2011.

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).)

Student failed to demonstrate good cause to continue the PHC and hearing and the request is denied. Moreover, Student's counsel requested a trial setting conference. Trial setting conferences are set only in unusual cases. It is not an unusual circumstance for counsel to have a conflict with a voluntary mediation date, which can easily be resolved by communicating with the other party. Student must meet and confer with counsel for respondents prior to making continuance requests in the future. Student is free to cancel the voluntary mediation or seek a new mutually agreed date with District's counsel. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Dated: May 18, 2011

/s/

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