

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. 2011060075

ORDER DENYING REQUEST FOR  
CONTINUANCE AT THIS TIME AND  
SCHEDULING TRIAL SETTING  
CONFERENCE

On July 1, 2011, Student filed a request to continue the hearing in this matter to unspecified dates on the ground that Student's Mother was unavailable on July 28, 2011, and during most of August. The request was ambiguous about Mother's availability the week of August 22, 2011. District filed a non-opposition on July 7, 2011 that requested a prehearing conference on a date Mother said she was out of town and hearing dates during the week of August 22, 2011. The dates requested by District included a Friday, which is inconsistent with OAH scheduling policies. Neither party represented that they had attempted to contact the other to agree to 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 pending further clarifications from all parties. Student has requested a continuance, and District does not oppose it. However, the parties did not meet and confer to agree to dates prior to filing their respective papers with OAH. Student's request was ambiguous about the week of August 22, 2011 and whether Student's Mother is available for that whole week. District's non-opposition fails to account for Mother's statements that she is out of town during most of August. Further, OAH does not calendar hearings on Fridays as requested by District, and District's request for dates during the week of August 22, 2011 may conflict with Mother's availability. Accordingly, although OAH is inclined to grant a continuance, a telephonic trial setting conference will be held to resolve the above issues.

ORDER

1. All hearing dates and timelines shall remain on calendar pending the results of the trial setting conference.

2. A telephonic trial setting conference will be held on the record on July 13, 2011, at 10:00 a.m. OAH will initiate the call.

Dated: July 7, 2011

/s/

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