

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. 2011090331

ORDER DENYING REQUEST FOR
CONTINUANCE

On October 20, 2011, the parties filed a stipulated request to continue the prehearing conference only to December 28, 2011, at 9:30 a.m., on the ground that a recent family crisis occurred that delayed settlement negotiations and hearing preparation.

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. All hearing dates and timelines shall proceed as calendared. Here, the parties have requested a continuance of the PHC to a date beyond the current hearing date, at a time when OAH does not calendar PHCs. More importantly, the parties did not provide new hearing dates. Although OAH is inclined to grant a continuance, OAH will not take hearing dates “off calendar” and will only grant continuances to firm dates. The parties may resubmit the request with agreed upon hearing dates and with a PHC time that conforms to OAH scheduling practices.

IT IS SO ORDERED.

Dated: October 20, 2011

/s/

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