

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PITTSBURG UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011100230

ORDER DENYING REQUEST FOR
CONTINUANCE

On March 15, 2012, the Pittsburg Unified School District (District) filed a motion to continue the dates in this matter on the grounds that counsel was unavailable and the matter requires more than one day of hearing. The Office of Administrative Hearings (OAH) did not receive a response from Student.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 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 prehearing conference and hearing dates are confirmed and shall proceed as calendared. District's counsel, Jan E. Tomsy, states that she is scheduled for hearing in another matter, which begins on March 26, 2012. She further states that in keeping with OAH's policy of a case continuing day-to-day until completed, she expects that matter to continue into March 27, 2012, the day that the hearing in this matter is set to begin. However, on March 19, 2012, OAH continued the conflicting case, during a prehearing conference.¹ As such, no identified conflict exists for Ms. Tomsy. Ms. Tomsy acknowledges that she is aware of OAH's day-

¹ OAH discovered the lack of a conflict through its own efforts. Ms. Tomsy did not file a supplemental declaration stating that the other matter had been continued into May 2012.

to-day policy for hearings and has provided no other conflicts that prevent this matter from continuing day-to-day until completed. Accordingly, District's motion is denied. This matter shall begin on March 27, 2012, and proceed day-to-day until completed.

IT IS SO ORDERED.

Dated: March 20, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings