

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SOUTH PASADENA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011110375

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
HEARING DATE

On January 24, 2012, Student filed a request for a continuance on the ground that Student's attorney recently became aware of the need to care for an elderly parent. According to Student's counsel, she will be required to be out-of-state and will be unavailable until February 2, 2012. Student's counsel indicated she is available on other dates in February. On January 25, 2012, District opposed the motion on the grounds that Student's attorney could have made the motion earlier, Student's attorney stated different grounds for a continuance when the issue was discussed at the prehearing conference, and that the attorney's associate should be required to cover the hearing dates as the associate participated in the IEPs at issue and prepared the documents for hearing. On January 25, 2012, Student filed a reply.

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 granted. Although District is correct that Student's counsel should have raised the request earlier and should have fully disclosed the grounds for the request at the PHC, the motion provides good cause to continue the start of the hearing to February 2, 2012 at 9:30 a.m. The parties shall meet and confer prior to February 2, 2012 and shall be prepared to discuss mutually agreeable additional hearing dates on the first day of hearing.

IT IS SO ORDERED.

Dated: January 26, 2012

/s/

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

