

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN LORENZO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011031469

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MED/TSC/PHC/HRG

On May 10, 2011, Jenn Cittondon, attorney for Student, filed a request to continue the due process hearing dates in this matter. On May 10, 2011, Shawn Olson Brown, attorney for the San Lorenzo Unified School District (District) filed an opposition to Student's request. This is the first request for a continuance. The requested continuance will not unreasonably delay the due process hearing in this matter. District states that the requested hearing dates fall within the last two weeks of the regular school year session and its staff is attending to end-of-the-year meetings, therefore, a hearing at that time will negatively impact their schedule. While this may be true, the Office of Administrative Hearings (OAH) cannot restrict the calendaring of cases based upon the meeting schedules of school staff. While District's witnesses may be inconvenienced, District did not establish that it will be unable to present its case, should the continuance be granted.

OAH is concerned about Student's failure to meet and confer with District prior to filing the request for a continuance. Student is represented by counsel and counsel is expected to understand and utilize the concept of meet and confer prior to filing motions that may not be opposed had counsel met and conferred.

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:

Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: June 1, 2011, at 1:30 AM
Due Process Hearing: June 6 – 8, 2011, starting at 1:30 PM on June 6,
2011

IT IS SO ORDERED.

Dated: May 11, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings