

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. PANAMA-BUENA VISTA UNION SCHOOL DISTRICT,	OAH CASE NO. 2012010118
PANAMA-BUENA VISTA UNION SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2011110619 ORDER DENYING WITHOUT PREJUDICE REQUEST FOR SPECIFIC ADDITIONAL DAYS OF HEARING

Student filed an amended due process complaint on January 13, 2012, against the Panama-Buena Vista Union School District (District) with the Office of Administrative Hearings (OAH) in OAH Case No. 2012010118. The District filed its case against Student on November 16, 2011, in OAH Case No. 2011110619. On January 17, 2012, OAH consolidated the two cases for hearing. The consolidate matter is set for a prehearing conference (PHC) on March 7, 2012 and for a due process hearing on March 13, 2012.

On February 15, 2012, Student filed a motion for the addition of three more days of hearing. Student's motion does not include any information as to whether Student's counsel discussed with District's counsel the scheduling of additional hearing dates and the District's availability. The District did not file a response.

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).)

While it is most likely that the consolidated matter cannot be heard in one day and additional hearing days required, Student's counsel should have met and conferred with the District's counsel for agreeable additional hearing dates.¹ Accordingly, the appropriate venue to determine the additional hearing days, in addition to March 13, 2012, is at the March 7, 2012 PHC, unless the parties can mutually agree upon additional hearing dates. Therefore, Student's motion for additional days is denied without prejudice, and may be raised at the March 7, 2012 PHC.

IT IS SO ORDERED.

Dated: February 24, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings

¹ Absent a motion to continue the single calendared date of hearing, it is expected that cases will proceed on a day-to-day basis until completed.