

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ALHAMBRA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012010165

ORDER DENYING SECOND
REQUEST FOR CONTINUANCE

On April 11, 2012, the parties filed a second stipulated request to continue the hearing. The parties represented that they believe they will settle, but have not done so yet, and request a status conference instead of firm hearing dates.

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. Although OAH would be inclined to grant a continuance, the parties did not meet and confer regarding new hearing dates as is requested by OAH. Hearing dates are only taken “off calendar” in favor of a status conference following final settlements subject to school board approval. Here, the parties have not settled, such that a status conference is not warranted. The parties may resubmit their request if they agree to a PHC date and hearing dates within a reasonable time.

IT IS SO ORDERED.

Dated: April 11, 2012

/s/

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