

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LAWNDALE SCHOOL DISTRICT.

OAH CASE NO. 2010120915

ORDER DENYING REQUEST FOR
CONTINUANCE

On May 31, 2011, District filed a request for a continuance on the ground that its counsel was not available for the one day currently scheduled for hearing due to a conflict with a multiple-day OAH hearing in another matter. District requested a trial setting conference but provided no facts showing any attempt had been made to meet and confer.

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).)

As of the time of the motion, this matter is set for a one day hearing. Absent a stipulated request for a continuance to additional, continuous days, OAH can only assume that Student anticipates being able to complete the presentation of Student's case within one day. A one day attorney conflict with a multiple day hearing is not good cause to continue this hearing. Instead, if necessary, the one day hearing in the other matter can go dark for a day. More importantly, parties before OAH are expected to meet and confer regarding continuance requests and trial setting conferences will only be set under extraordinary circumstances. Here, District has not attempted to meet and confer with Student, and has not offered any suggested dates when District is available. Any unilateral continuance request by District must explain District's meet and confer efforts and/or offer possible dates for hearing. District's request for a continuance is denied, but may be resubmitted.

IT IS SO ORDERED.

Dated: June 07, 2011

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge (acting)
Office of Administrative Hearings