

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ALHAMBRA SCHOOL DISTRICT.

OAH CASE NO. 2011010761

ORDER DENYING REQUEST FOR
CONTINUANCE

On March 25, 2011, Student filed a request for a continuance. Student seeks a 60 day continuance in order to have “legal representation for mediation purposes.” No mediation is on calendar, and Student did not provide suggested dates, or any evidence that Student had consulted with District’s counsel prior to filing the request. On March 30, 2011, District opposed the request on the grounds that it had not been contacted for mutually agreed dates, that no mediation was currently scheduled or contemplated, that Student appears to have an attorney based on a letter received by District on Student’s behalf, and that a continuance beyond the dates school is in session would be prejudicial to District. As discussed below, good cause for a continuance has not been shown.

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 denied. Mediation is voluntary. Here, the parties have attended mediation and no new mediation is on calendar. Accordingly, it is not good cause to continue the hearing so that Student can have an attorney at mediation. Further, District has expressed a legitimate concern that the hearing should be concluded prior to the end of the school year because of the availability of District witnesses. Thus, absent mutually agreed dates that consider availability of District witnesses, good cause does not exist for a continuance. All prehearing conference and hearing dates are confirmed and shall proceed as calendared.

IT IS SO ORDERED.

Dated: March 30, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings

