

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PALO ALTO UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011050215

ORDER DENYING REQUEST FOR
CONTINUANCE

On June 28, 2011, the Office of Administrative Hearings (OAH) granted the parties' joint request to continue the dates in this matter. However, in so doing, OAH set the prehearing conference (PHC) on August 31, 2011, instead of the parties' requested September 5, 2011, because that date is Labor Day Holiday. On June 30, 2011, Student requested a continuance of the August 31, 2011 PHC due to unavailability of counsel. Student requests that OAH hold a PHC on Tuesday, September 6, 2011, and a due process hearing on September 7, 2011. No response was received from the Palo Alto Unified School District.

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:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. Here, OAH is inclined to grant the request. However, at the request of the parties, on June 28, 2011, OAH set this matter for due process hearing on September 7, 2011. Because PHCs are held only on Mondays and Wednesdays and must occur prior to the due process hearing, OAH set the PHC for the next possible date instead of the parties requested date of September 5, 2011. OAH cannot set this matter for a PHC on September 6, 2011. The parties may resubmit a request to continue and choose any dates in conformance with OAH's calendaring guidelines

that do not unreasonably delay this matter. The parties are advised that OAH will be closed during the week of October 17, 2011.

IT IS SO ORDERED.

Dated: July 7, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings