

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ALHAMBRA SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011080733

ORDER DENYING REQUEST FOR
CONTINUANCE WITHOUT
PREJUDICE

On January 10, 2011, Student filed a request to continue the prehearing conference and delay starting the hearing by a week. Student's request stated that counsel was not available the week of February 6, 2012, but asked for the PHC to be held on February 8, 2012. Student's counsel also requested that the hearing be scheduled for February 17, 2012, however, OAH does not routinely calendar hearings on Fridays. Student's motion did not contain any information showing that counsel was unavailable for the PHC that is currently scheduled on January 30, 2012. The motion recites that District counsel had qualified opposition to the motion, and preferred to go forward with the PHC as scheduled and discuss mutually agreeable hearing dates at that time. No opposition was received from 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 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 without prejudice to being discussed at the PHC. All hearing dates and timelines shall proceed as calendared. Counsel's unavailability during the week of February 6, 2012 could be good cause for a continuance. However, because Student's counsel and District's counsel are available for the currently scheduled PHC on January 30, 2012, District is correct that it would be more efficient to discuss mutually agreed hearing dates at that time. This is particularly true when Student is requesting a hearing schedule that is inconsistent with OAH scheduling practices by requesting a Friday date. The parties shall file complete and timely PHC statements and should be prepared at the PHC to discuss all hearing issues as well as the dates for hearing.

IT IS SO ORDERED.

Dated: January 19, 2012

/s/

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