

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BASSETT UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011100219

ORDER DENYING REQUEST FOR
CONTINUANCE

On October 31, 2011, Student filed a request for a continuance of the mediation, prehearing conference and hearing to “any Tuesday.” On November 4, 2011, District filed a request for continuance on the ground that the hearing date conflicted with another hearing involving both parties on the same date. As discussed below, both requests are denied.

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 requests for good cause and the requests are denied. Neither party followed OAH procedure when requesting a continuance. Forms are available on the OAH website that explain the procedure. The parties did not call each other to agree to new dates, as is requested by OAH. OAH will only conduct trial setting conferences under unusual circumstances, and this is not one of them. Student’s advocate and the District’s attorney should become familiar with OAH scheduling practices and the procedures for requesting continuances. OAH only sets PHCs on Mondays and Wednesdays. Mediations are only set Tuesdays through Thursdays and hearings are set Monday through Thursday. The parties may resubmit a joint request on an OAH form, with agreed-upon dates that conform to OAH scheduling policies.

IT IS SO ORDERED.

Dated: November 08, 2011

/s/

RICHARD T. BREEN

Presiding Administrative Law Judge
Office of Administrative Hearings