

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS on behalf of STUDENT,

vs.

MORENO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2008120288

ORDER DENYING REQUEST TO RESET
HEARING TIME

MORENO VALLEY UNIFIED SCHOOL
DISTRICT,

vs.

PARENTS on behalf of STUDENT.

OAH CASE NO. 2008120285

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).) 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).)

Student requests that the hearing time be changed from 9:30 am to 2:00 pm due to an anticipated appearance in federal court on April 6, 2009. District, who is involved in the same federal court case states that the federal court has yet ruled that oral argument is necessary and has not called for the appearance of counsel. Student's motion to change the time of the hearing in this matter is premature. Should the federal court require the appearance of counsel on April 6, either counsel may file a motion asking that the hearing time be delayed.

The request has been reviewed by OAH and good cause does not exist to modify the start time of the hearing. The request for continuance is:

Denied, all prehearing conference and hearing dates and timelines shall proceed as calendared.

IT IS SO ORDERED.

Dated: February 18, 2009

/s/

ANN F. MACMURRAY
Presiding Administrative Law Judge
Office of Administrative Hearings