

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

VALLEJO CITY UNIFIED SCHOOL  
DISTRICT AND MARE ISLAND  
TECHNOLOGY ACADEMY.

OAH CASE NO. 2009050129

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
MEDIATION, PREHEARING  
CONFERENCE, AND DUE PROCESS  
HEARING

On June 25, 2009, Julie Robbins, attorney for Mare Island Technology Academy, submitted a joint request to continue the mediation, prehearing conference, and due process hearing in this matter. Ms. Robbins' request was based on her representation that the parties, during a trial setting conference in another matter, agreed to a continuance and to the dates requested in order to give Student's mother time to find an attorney to represent her. The undersigned administrative law judge (ALJ) conducted the trial setting conference to which Ms. Robbins referred. The ALJ informed the parties that the Office of Administrative Hearings would wait three days prior to ruling on the request to be filed by Ms. Robbins. Those three days have elapsed.

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 that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020.) In weighing motions for continuances in special education due process matters, the Office of Administrative Hearings (OAH) looks to California Rules of Court for guidance. Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

The request has been reviewed by OAH, good cause exists, and the request for continuance is:

- Granted. All dates are vacated. This matter will be set for the following dates and times:

Mediation: August 7, 2009, 9:30 a.m.  
Trial Setting Conference:

Prehearing Conference: August 14, 2009, 10:00 a.m.  
Due Process Hearing: September 2, 3, and 4, 2009

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

IT IS SO ORDERED.

Dated: July 1, 2009

/s/

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DEBRA HUSTON  
Presiding Administrative Law Judge  
Office of Administrative Hearings