

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

JEFFERSON SCHOOL DISTRICT.

OAH CASE NO. 2009050209

ORDER GRANTING REQUEST  
FOR CONTINUANCE AND ORDER  
SETTING TRIAL SETTING  
CONFERENCE

On August 24, 2009, the parties submitted a stipulated motion to continue this matter based upon a conflict in Student's attorney's schedule and settlement discussions. The parties indicated they are near settlement and believe one further mediation would help resolve the matter.

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).) A motion to continue shall include all facts which support a showing of good cause to continue the hearing. (Cal. Code Regs., tit. 1, § 1020.) In considering motions to continue, OAH also may look to the California Rules of Court for guidance. (Cal. Rules of Court, rule 3.1332.)

The Office of Administrative Hearings (OAH) has reviewed the request for good cause and the request for continuance is:

Granted. All hearing dates are vacated. The mediation date selected by the parties is not available due to a furlough date and the hearing dates selected are over a holiday. The parties are encouraged to meet and confer to select new dates and notify OAH in writing in lieu of the scheduled TSC below. A form is available online to assist the parties. This matter will be set for the following dates and times:

Trial Setting Conference                      September 2, 2009 at 1:30 p.m.

IT IS SO ORDERED.

Dated: August 24, 2009

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RICHARD M. CLARK  
Administrative Law Judge  
Office of Administrative Hearings