

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

MODESTO CITY SCHOOLS, CERES
UNIFIED SCHOOL DISTRICT AND
STANISLAUS COUNTY BEHAVIORAL
HEALTH AND RECOVERY SERVICES.

OAH CASE NO. 2009090763

ORDER GRANTING IN PART AND
DENYING IN PART REQUEST FOR
CONTINUANCE

On March 4, 2010, the parties filed a joint request to continue the hearing dates in this matter because the parties have reached an agreement in principle. The parties also request to continue the briefing dates regarding Student's Motion to Quash Subpoena Duces Tecum.

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).)

OAH has reviewed the request for good cause and the request is:

Granted in part. The hearing dates of March 15 – 18, 2010 are vacated. The hearing dates of March 29, 30, 2010 and April 1, 2010 remain on calendar to ensure speedy resolution of this matter. This matter will be set for the following dates and times:

Due Process Hearing: March 29, 30, 2010 and April 1 and 5 - 8, 2010 at
9:30 AM

The parties' briefs regarding Student's Motion to Quash Subpoena Duces Tecum are due to OAH by close of business on March 17, 2010.

IT IS SO ORDERED.

Dated: March 8, 2010

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings