

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2010070257

v.

SALINAS CITY ELEMENTARY SCHOOL
DISTRICT AND MONTEREY COUNTY
OFFICE OF EDUCATION.

MONTEREY COUNTY OFFICE OF
EDUCATION,

OAH CASE NO. 2010060753

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING TRIAL
SETTING CONFERENCE

On August 17, 2010, Student filed a request to continue the dates in this matter and schedule a trial setting conference due to his attorney's medical treatment. Neither District nor County filed a response.

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 and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, 3.1332 .) 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. Under the circumstances, good cause is found to vacate all dates and schedule a trial setting conference. This matter will be set as follows:

Trial Setting Conference: September 29, 2010, at 11:30 AM

IT IS SO ORDERED.

Dated: August 25, 2010

/s/

JUDITH KOPEC
Presiding Administrative Law Judge
Office of Administrative Hearings