

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MORGAN HILL UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010070397

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

On August 9, 2010, the parties jointly filed a request to continue the dates in this matter based on the unavailability of District witnesses. The complaint was filed on July 12, 2010, and there has been no previous continuance.

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. All dates are vacated. The parties' requested date for a prehearing conference, September 18, 2010, is a Saturday. This matter will be set as follows:

Mediation:	Sept. 2, 2010, at 9:30 AM
Prehearing Conference:	Sept. 15, 2010, at 1:30 PM
Due Process Hearing:	Sept. 22, 2010, at 9:30 AM

IT IS SO ORDERED.

Dated: August 09, 2010

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings