

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MARIN COUNTY OFFICE OF
EDUCATION AND SAN RAFAEL CITY
SCHOOLS.

OAH CASE NO. 2010080231

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 unexpected medical treatment. On August 20, 2010, District filed a response agreeing to the request for a continuance and objecting to the request for a trial setting conference. Marin County Office of Education did not file 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, Student has shown good cause to continue this matter and schedule a trial setting conference. All dates are vacated. This matter will be set as follows:

Trial Setting Conference: September 29, 2010, at 10:30 AM

IT IS SO ORDERED.

Dated: August 23, 2010

/s/

JUDITH KOPEC
Presiding Administrative Law Judge
Office of Administrative Hearings