

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

NEWPORT-MESA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011010026

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING NEW
PREHEARING CONFERENCE AND
DUE PROCESS HEARING DATES

On April 8, 2011, the parties filed a joint request for a continuance in this matter. It is the first request for continuance they have made.

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, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

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

Granted. All dates are vacated. The parties did not include a mediation date in their request for continuance. Should they wish to re-schedule a mediation, they should contact OAH as soon as possible.

Prehearing Conference: May 23, 2011, at 10:30 a.m.

Due Process Hearing: June 6-9, 2011, starting at 1:30 p.m. on June 6

IT IS SO ORDERED.

Dated: April 08, 2011

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings