

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA CLARA COUNTY OFFICE OF
EDUCATION.

OAH CASE NO. 2011020074

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

On March 16, 2011, the parties filed a request to continue the dates in this matter on the grounds that they desired to engage in the mediation process and had been unable to do so as of yet. The parties requested that all dates be vacated and that they be allowed to submit new dates on March 17, 2011.

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, the Office of Administrative Hearings (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. Because the parties did not provide dates, OAH has set the dates below. If the parties require different dates, they may file a further appropriate motion to continue. This matter will be set as follows:

Mediation: April 14, 2011, at 9:30 AM
Prehearing Conference: April 20, 2011, at 1:30 PM
Due Process Hearing: May 3, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: March 16, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings