

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TWIN RIVERS UNIFIED SCHOOL
DISTRICTS.

OAH CASE NO. 2011020840

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

On March 17, 2011, Parent, on behalf of Student, filed a request to continue the dates in this matter on the grounds that she required additional time to retain legal representation. On March 21, 2011, the Twin Rivers Unified School District (District) filed an opposition. District's opposition is based upon the grounds that after a recently sustained Notice of Insufficiency, the complaint in this matter has been reduced to a single issue. Furthermore, District anticipates that this matter will be consolidated with a matter filed by District, which is scheduled for hearing on May 2, 2011, and therefore, Student has sufficient time to find legal representation.

While the complaint in this matter was limited by the March 14, 2011 sufficiency order, Student was given leave to file an amended complaint. On March 17, 2011, Parent sought assistance of a mediator to identify issues, which may result in an amended complaint. Furthermore, at this time the matter has not been consolidated with District's case and there is no guarantee that if the matters were consolidated, District's case, and its calendared, dates would become the lead case and dates.

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. This matter will be set as follows:

Mediation: April 27, 2011, at 9:30 AM
Prehearing Conference: May 4, 2011, at 10:00 AM
Due Process Hearing: May 10, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: March 22, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings