

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CHULA VISTA ELEMENTARY SCHOOL  
DISTRICT.

OAH CASE NOS. 2011031306,  
2011070257 and 2011080712

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
TRIAL SETTING CONFERENCE

On September 26, 2011, counsel for Student filed with the Office of Administrative Hearings (OAH) a request to continue the currently scheduled hearing dates in the case, based upon a prior commitment and travel plans. On September 30, 2011, counsel for the District filed with OAH an opposition to the request.

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).)

OAH has reviewed the request for good cause, and the request is granted. All dates in the matter are vacated. Normally, OAH does not hold trial setting conferences, but in this case the parties cannot agree upon mutually convenient dates. Accordingly, OAH hereby schedules a TSC for Wednesday, October 26, 2011, at 3:00 p.m. For the TSC, the parties are ordered to have three sets of hearing dates of four days for presentation at the proceeding.

TSC                      October 26, 2011 at 3:00PM

IT IS SO ORDERED.

Dated: October 18, 2011

/s/

TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings