

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

TRACY UNIFIED SCHOOL DISTRICT
AND SAN JOAQUIN COUNTY OFFICE
OF EDUCATION,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011040279

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

On April 14, 2011, Parent, on behalf of Student, filed a request to continue the dates in this matter on the ground that Student was seeking representation. On April 18, 2011, the Tracy Unified School District (District) and San Joaquin County Office of Education (County) filed an opposition to Student's request. Student used the Office of Administrative Hearing's (OAH) form request for continuance, which is designed for joint requests and not designed for contested motions to continue. Furthermore, Student failed to meet and confer with District and County prior to filing the request to continue.¹

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. This matter will be set as follows:

¹ For future requests to continue, if any, in this matter the parties are instructed to meet and confer, and to use the OAH form only for joint requests to continue. For contested requests, the party may file a pleading or a letter setting out the request to continue and documenting any meet and confer attempts with the other parties.

Mediation: May 12, 2011, at 9:30 AM
Prehearing Conference: May 23, 2011, at 10:00 AM
Due Process Hearing: May 31, 2011, at 1:30 PM

IT IS SO ORDERED.

Dated: April 18, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings