

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. 2011050047

ORDER OF CONTINUANCE AND
SETTING MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On May 24, 2011, the parties submitted to the Office of Administrative Hearings (OAH) a joint request to reset the mediation date in this matter for June 8, 2011. This request is granted.

On the same day, counsel for Student submitted to OAH a Request for Trial Setting Conference, which requested a continuation of the initially scheduled hearing dates to certain specified days in June or July 2011. This is the second such request from Student, thereby indicating that the parties cannot reach an agreement upon mutually convenient hearing dates in the matter. In such circumstances, OAH unilaterally sets hearing dates within 90 days of the originally scheduled hearing date which, after adjustment for a waiver of the resolution session, was June 2, 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).)

Based upon the foregoing, the following scheduling order is made. All dates are vacated. The following dates are now scheduled:

Mediation:	06/08/2011, at 9:30 a.m.
Trial Setting Conference:	N/A
Prehearing Conference:	08/22/2011, at 1:30 p.m.
Due Process Hearing:	08/29/2011; 08/30/2011; 08/31/2011.

IT IS SO ORDERED.

Dated: May 24, 2011

/s/

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