

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FOLSOM CORDOVA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011060065

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PREHEARING CONFERENCE DATE  
ONLY

On November 23, 2011, the parties filed a joint request to continue the prehearing conference (PHC) in this matter, and to extend time for the exchange of evidence binders. The PHC is currently set for November 28, 2011, and the hearing is set for December 5, beginning at 1:30 p.m., and December 6 through 8, 2011, at 9:00 a.m.. The parties have asked that the PHC be continued to December 5, 2011, and that the time to exchange evidence binders also be extended to that date. However, that is the date currently set for the commencement of hearing. The parties have not requested a continuance of the hearing nor provided cause for such a continuance.

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).)

The parties must exchange evidence no later than five business days prior to hearing. (Ed. Code § 56505, subd. (3)(7).)

OAH has reviewed the request to continue the PHC for good cause and the request is:

Granted. However, the PHC will only be continued to November 30, 2011, at 1:30 p.m. OAH will permit the parties to exchange evidence no later than close of business, December 2, 2011. No continuance of the hearing has been sought or granted. The PHC in this matter will be set as follows:

Prehearing Conference: November 30, 2011, at 1:30 p.m.

IT IS SO ORDERED.

Dated: November 28, 2011

/s/

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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings