

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MILL VALLEY ELEMENTARY SCHOOL
DISTRICT.

OAH CASE NO. 2011060118

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

On August 15, 2011, the parties filed a request to continue the dates in this matter on the grounds that the Mill Valley Elementary School District (District) is awaiting the arrival of its new special education director. Parties further assert that they desire time to mediate this matter. The parties do not provide any information regarding why the matter must sit until the new special education director takes over for District, or why it will take the new special education director until October 2011 to be able to prosecute this matter. Furthermore, the parties fail to propose a date for mediation, and have requested a date for hearing on which the Office of Administrative Hearings (OAH) is dark.

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:

Mediation: September 27, 2011, at 9:30 AM
Prehearing Conference: October 5, 2011, at 1:30 PM
Due Process Hearing: October 11, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: August 15, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings