

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ETIWANDA SCHOOL DISTRICT AND
WEST END SELPA,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011061025

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

On July 11, 2011, the Etiwanda School District, West End SELPA, and Student, filed a joint request to continue the prehearing conference and due process hearing dates in this matter. The parties did not file a request to re-schedule the mediation.

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).)

OAH has reviewed the request for good cause and the request is:

Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: August 8, 2011, at 1:30 p.m.

Due Process Hearing: August 16-17, 2011, starting at 9:30 a.m. on August 16.

If the parties wish to schedule a mediation in this case, they should contact OAH in Sacramento at (916) 263-0880 with a mutually agreeable date, other than a Monday or Friday, to be set prior to the prehearing conference.

IT IS SO ORDERED.

Dated: July 11, 2011

/s/

TIM NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings