

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

ROSS VALLEY SCHOOL DISTRICT,

OAH CASE NO. 2011070401

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

On May 11, 2011, the Ross Valley School District (District) filed a Request for Due Process Hearing in Office of Administrative Hearings (OAH) case number 2011050429 against Student. On July 13, 2011, Student filed a Request for Due Process Hearing in OAH case number 2011070401 against the District.

On July 13, 2011, Student filed a Motion to Consolidate OAH case number 2011050429 with OAH case number 2011070401. On July 20, 2011, OAH granted Student's request to consolidate the cases and set the Prehearing Conference for 10:00 a.m. on July 25, 2011, and the due process hearing for August 1 – 4, 2011. On July 21, 2011, the District withdrew its request for a hearing.

On July 22, 2011, the parties filed a joint request to continue the dates in this matter.

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 continuance request for good cause and the request is:

Granted. All dates are vacated, and the following continued dates set:

Mediation:	August 18, 2011, at 9:30 AM
Prehearing Conference:	August 29, 2011, at 10:00 AM
Due Process Hearing:	September 6, 2011, at 1:30 PM September 7 and 8, 2011, at 9:00 a.m.

IT IS SO ORDERED.

Dated: July 25, 2011

/s/

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PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings