

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011090647

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

On January 27, 2012, the parties filed a request to continue the dates in this matter on the grounds that Student's counsel is unavailable due to personal reasons, and the parties have recently completed further assessments and desire to mediate. This matter was filed in September 2011 and the Office of Administrative Hearings (OAH) is concerned with the length of time this matter is taking to resolve.

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. **No further continuances without a showing of substantial good cause.** This matter will be set as follows:

Mediation:	Parties will submit dates
Prehearing Conference:	March 7, 2012, at 1:30 PM
Due Process Hearing:	March 13, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: January 27, 2012

/s/

---

BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings