

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:
TURLOCK UNIFIED SCHOOL DISTRICT

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011100144

ORDER GRANTING CONTINUANCE
OF PREHEARING CONFERENCE
AND DUE PROCESS HEARING

On October 21, 2011, the Turlock Unified School District (District) filed a request to continue the prehearing conference and due process hearing in this matter on the ground that the parties had not yet been able to meet in mediation. Student has not opposed the motion. The matter was filed on October 3, 2011, and no previous continuance has been sought or granted.

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) (2006); 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: December 5, 2011, at 1:30 PM
Due Process Hearing: December 13 through 15, 2011, at 9:30 AM.

IT IS SO ORDERED.

Dated: October 26, 2011

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings