

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CLOVIS UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011100854

ORDER DENYING REQUEST TO
VACATE DATES, AND CONTINUING
DUE PROCESS HEARING

On February 22, 2012, the parties filed a request to vacate currently set hearing dates, and set a status conference, on the grounds that they had reached an agreement, but were in the process of obtaining signatures. This does not constitute good cause to vacate dates, but may constitute good cause for a continuance.

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 for a continuance and the request is:

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

Prehearing Conference: March 28, 2012, at 10:00 A.M.

Due Process Hearing: April 5, 2012, at 9:30 A.M.

IT IS SO ORDERED.

Dated: February 22, 2012

/s/

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