

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. EXETER UNION SCHOOL DISTRICT,	OAH CASE NO. 2011110056
EXETER UNION SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 20111100529 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

On February 3, 2012, Student filed a request to continue the dates in this matter on the grounds that Student's counsel is unavailable due to another due process hearing already in progress. This matter is currently set for a due process hearing on February 28 – 29, 2012. On February 7, 2012, the Exeter Union School District (District) filed an opposition to Student's request. District states that it agrees Student's counsel is unavailable and that this establishes good cause. However, District opposes any continuance of a considerable length, such as a continuance to the end of April 2012. Student did not propose specific dates in his request for 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 and the request is:

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

Prehearing Conference: April 2, 2012, at 1:30 PM
Due Process Hearing: April 11 – 12, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: February 8, 2012

/s/

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