

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CASTRO VALLEY UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011110309

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING

On January 30, 2012, Debra Wright, Attorney at Law, filed a request to continue the dates for a prehearing conference (PHC) and due process hearing in this matter on behalf of Student. The District did not file a response to the request for continuance, although Ms. Wright represented in her request that when she had spoken to the District's counsel on January 27, 2012, she was told that the District was opposed to continuing the case

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. The PHC is currently set for February 8, 2012, and the due process hearing is set to begin February 21, 2012. Student did not retain legal counsel until January 26, 2012, and at the time the request for continuance was made, Ms. Wright had not yet received Student's file or reviewed it. Further, Ms. Wright is currently scheduled to begin a due process hearing in another matter on February 27, 2012, and states that she is unable to prepare for two due process hearings simultaneously. Good cause is found for granting the request for continuance. All dates are vacated. This matter will be set as follows:

Prehearing Conference: March 7, 2012, at 1:30 p.m.
Due Process Hearing: March 20-22, 2012, at 9:30 a.m.

IT IS SO ORDERED.

Dated: February 3, 2012

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings