

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MARIN COUNTY OFFICE OF
EDUCATION.

OAH CASE NO. 2011110327

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

On February 10, 2012, the parties filed a joint request to continue the dates in this matter, which the Office of Administrative Hearings (OAH) denied on February 13, 2012. On February 14, 2012, the parties resubmitted their request for continuance on the grounds that the parties are engaged in settlement discussion and may be able to resolve the matter without expending further costs of litigation.

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. This matter will be set as follows:

Mediation: March 1, 2012, at 9:30 AM¹
Prehearing Conference: May 2, 2012, at 10:00 AM

¹ The parties state that they agreed amongst themselves that they “should try to mediate on February 29, 2012.” OAH is unable to accommodate the mediation request for February 29, 2012, and therefore has assigned March 1, 2012. The parties may request an alternate date from OAH.

Due Process Hearing: May 8 – 10, 2012, at 9:30 AM²

IT IS SO ORDERED.

Dated: February 14, 2012

/s/

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

² The parties requested April 3 – 5, 2012. While their request for a continuance is granted, OAH cannot provide the parties a hearing on the dates requested.