

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FRESNO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012010705

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

On March 6, 2012, Parent, on behalf of Student, filed a request to continue the dates in this matter on the grounds that Student required additional time to prepare for hearing and requested mediator assistance. On March 8, 2012, the Fresno Unified School District filed an opposition to Student's 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).)

Education Code section 56505, subdivision (e)(6) provides that an unrepresented parent may request the assistance of a mediator to assist parent in identifying the issues and proposed resolutions of the issues. Upon a request OAH shall assign a mediator to assist the parent. This assistance is limited to the formulation of issues and proposed resolutions.

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 10 – 11, 2012, at 9:30 AM

OAH shall assign a mediator to assist parent pursuant to this order. Mediator shall contact parent.

IT IS SO ORDERED.

Dated: March 9, 2012

/s/

---

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