

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

POWAY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2012060630

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

On July 5, 2012, counsel for the Poway Unified School District filed with the Office of Administrative Hearings (OAH) a motion to continue and reset the initially scheduled hearing dates in the case, based upon witness unavailability. On July 10, 2012, Parent filed with OAH an objection to the request.

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 for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) OAH will normally continue initially scheduled hearing dates because the parties are not notified in advance of such dates, and, here, District witnesses are unavailable due to the summer break. A month long continuance is not unreasonable.

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is: Granted. All dates are vacated. This matter will be set as follows:

Mediation:	To be determined by the parties.
Prehearing Conference:	09/05/2012, at 10:00 a.m.
Due Process Hearing:	09/11/2012; 09/12/2012; 09/13/2012.

IT IS SO ORDERED.

Dated: July 10, 2012

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings