BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: TUSTIN UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2009070221 ORDER GRANTING REQUEST FOR CONTINUANCE AND ORDER SETTING TRIAL SETTING CONFERENCE

On July 2, 2009, the District filed a request for due process hearing. On July 9, 2009, Student requested a continuance in this matter to hire counsel. On July 14, 2009, the District filed an opposition to the motion to continue. On July 15, 2009, Student filed a reply to the opposition.

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).) A motion to continue shall include all facts which support a showing of good cause to continue the hearing. (Cal. Code Regs., tit. 1, § 1020.) In considering motions to continue, OAH also may look to the California Rules of Court for guidance. (Cal. Rules of Court, rule 3.1332.)

The Office of Administrative Hearings (OAH) has reviewed the request for good cause and the request for continuance is:

☒ Granted. Here, Student's request to hire an attorney is reasonable, as is a brief delay to allow Student to retain counsel and reschedule mediation if desired. September 4 and 11 are state furlough days. Accordingly, all dates are vacated. This matter will be set for the following dates and times:

Trial Setting Conference July 27, 2009, at 11:30 a.m.

IT IS SO ORDERED.

Dated: July 15, 2009

/s/

RICHARD M. CLARK
Administrative Law Judge
Office of Administrative Hearings