

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA CLARA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009070254

ORDER GRANTING REQUEST
FOR CONTINUANCE AND ORDER
SETTING TRIAL SETTING
CONFERENCE

On August 10, 2009, Student submitted a letter requesting a continuance of the dates currently scheduled in this matter so that he could retain an attorney. On August 13, 2009, the District sent in a reply indicating that it did not oppose the continuance 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. (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. All hearing dates are vacated. The parties requested a trial setting conference, which are held on Mondays or Wednesday. Accordingly, this matter will be set for the following dates and times:

Telephonic Trial Setting Conference

August 26, 2009, at 10:30 a.m.

IT IS SO ORDERED.

Dated: August 14, 2009

/s/
RICHARD M. CLARK
Division Presiding Administrative Law Judge
Office of Administrative Hearings