

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

SAN LUIS COASTAL UNIFIED SCHOOL  
DISTRICT,

v.

PARENT on behalf of STUDENT.

OAH CASE NO. 2009080819

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
MED/TSC AND DENYING MOTION  
TO DISMISS

On September 8, 2009, parent on behalf of Student filed a motion to dismiss or, in the alternative, a motion for continuance. This is a District filed case. Apparently, the basis for the dismissal request is that parent will be moving Student out of the District. Such may ultimately be a basis for withdrawing the case but that is for the District to decide and is not a basis upon which dismissal can be granted at parent's request. The motion to dismiss is denied.

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).) 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).)

The District does not oppose the request for continuance which has been reviewed by OAH. Good cause exists as the parent wishes to obtain legal representation. The request for continuance is:

Granted. All dates are vacated. This matter will be set for the following dates and times:

Mediation: 09/22/2009 at 9:30AM

Trial Setting Conference: 09/23/2009 at 11:00AM

IT IS SO ORDERED.

Dated: September 10, 2009

/s/

ANN F. MACMURRAY  
Presiding Administrative Law Judge  
Office of Administrative Hearings