

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SWEETWATER UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2010060001

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING

On September 24, 2010, the parties filed a joint request to continue the dates in this matter so that the parties may conduct an individualized education program (IEP) team meeting on October 15, 2010, and resolve this matter. The parties requested that the dates be vacated and a trial setting conference be scheduled on October 22, 2010.

This is the second request for a continuance. On July 1, 2010, the Office of Administrative Hearings (OAH) granted the parties' request for a continuance and scheduled the prehearing conference for September 27 and the hearing the week of October 4, 2010. The parties contend that they did not receive OAH's scheduling notice that was served by mail on July 1, 2010.

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, 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, 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

OAH has reviewed the request for good cause and the request is:

Granted in part. All dates are vacated. However, the request for a trial setting conference is denied. This matter will be set as follows. No further continuances shall be granted without a clear showing of good cause.

Prehearing Conference: October 25, 2010, at 1:30 PM
Due Process Hearing: November 2 – 5, 2010, at 9:30 AM

IT IS SO ORDERED.

Dated: September 28, 2010

/s/

JUDITH A. KOPEC
Presiding Administrative Law Judge
Office of Administrative Hearings