

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NEVADA CITY ELEMENTARY SCHOOL  
DISTRICT.

OAH CASE NO. 2010070617

ORDER GRANTING REQUEST FOR  
ADDITIONAL DAYS OF HEARING

On December 10, 2010, Student filed a request for three additional hearing days. The Office of Administrative Hearings (OAH) did not receive a response from the Nevada City Elementary School District.

The hearing in this matter is scheduled for January 25, 2011. Student also requests the hearing be held on either January 24 – 27, 2011, or January 25 – 31, 2011, because Student believes the matter will require four days of hearing.

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

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

Granted. Additional hearing dates are scheduled as follows:

Prehearing Conference: January 19, 2011, at 1:30 PM  
Due Process Hearing: January 25 – 27, 2011, at 9:30 AM and January 31, 2011, at 1:00 PM, unless otherwise ordered by the presiding ALJ

IT IS SO ORDERED.

Dated: December 21, 2010

/s/

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BOB VARMA  
Administrative Law Judge  
Office of Administrative Hearings