

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010071169

ORDER AT PREHEARING  
CONFERENCE GRANTING REQUEST  
FOR CONTINUANCE AND SETTING  
MEDIATION, PREHEARING  
CONFERENCE AND HEARING  
DATES

On September 8, 2010, a telephonic prehearing conference (PHC) was scheduled before Administrative Law Judge (ALJ) Deidre L. Johnson, Office of Administrative Hearings (OAH), to begin at 1:30 p.m. No appearance was made by either party and the PHC was continued to 3:00 p.m.<sup>1</sup> Prior to 3:00 p.m., Student and the District filed a joint initial request to continue the dates in this matter. At the PHC, no appearance was made by the District.<sup>2</sup> Student represented that the parties wished to mediate the matter prior to hearing and they had been trying to coordinate new dates. The PHC was not recorded.

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. All dates are vacated. This matter will be set as follows:

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<sup>1</sup> The parties are admonished to adhere to OAH's scheduling orders or timely seek a continuance to obtain a ruling by OAH prior to scheduled events.

<sup>2</sup> District contacted OAH later the same day. The apologies of both parties were accepted.

Mediation: September 21, 2010, at 9:30 a.m.  
Prehearing Conference: October 11, 2010, at 10:00 a.m.  
Due Process Hearing: October 20, 2010, at 9:30 a.m.

IT IS SO ORDERED.

Dated: September 8, 2010

/s/

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DEIDRE L. JOHNSON  
Administrative Law Judge  
Office of Administrative Hearings