

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MIGUEL JOINT UNION SCHOOL
DISTRICT.

OAH CASE NO. 2010090006

AMENDED ORDER GRANTING
REQUEST FOR CONTINUANCE OF
PREHEARING CONFERENCE ONLY¹

On November 2, 2010, Student and the District filed a joint request to continue the Prehearing Conference (PHC) in this matter set for November 3, 2010. Student has also filed two new requests for due process (complaints) naming other entities as parties. Student has made a separate motion to consolidate those cases with this matter and to continue the hearing in this case.²

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:

¹ The order is amended to reflect a new PHC date of November 10, 2010, because November 11, 2010, is a legal holiday.

² The request for consolidation and continuance of the hearing will be ruled upon separately. The parties named in the other complaints have three business days to respond to the requests so it cannot be ruled upon until all parties have had an opportunity to respond.

Granted. The PHC in this matter, currently set for November 3, 2010, is continued to November 10, 2010. All other dates shall remain as calendared.

Dated: November 2, 2010

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings