

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010090556

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PREHEARING CONFERENCE AND  
DUE PROCESS HEARING DATES

On January 3, 2011, the parties made a joint request to continue the due process hearing dates in this matter and a continuance hearing was held before Administrative Law Judge Carla L. Garrett, Office of Administrative Hearings (OAH). Andrea Smith, Guardian, appeared on behalf of Student. Hans A. Gillinger, Attorney at Law, appeared on behalf of the Long Beach Unified School District (District).

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

Telephonic Prehearing Conference:	February 14, 2011 at 1:30 p.m.. OAH will initiate the call.
Due Process Hearing:	February 22, 2011 at 1:00 p.m.; February 23 – 25 at 9:30 a.m.

IT IS SO ORDERED.

Dated: January 3, 2011

/s/

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CARLA L. GARRETT  
Administrative Law Judge  
Office of Administrative Hearings