

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ACTON-AGUA DULCE UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2010090600

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE OF PHC AND
FIRST DAY OF DPH

On March 9, 2011, the parties made a joint request to continue the prehearing conference (PHC) and the first day of due process hearing (DPH) in this matter at a continuance hearing held before Administrative Law Judge Carla L. Garrett, Office of Administrative Hearings (OAH). Eric Menyuk, Attorney at Law, appeared on behalf of Student. Angela Gordon, Attorney at Law, appeared on behalf of the Acton-Agua Dulce 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. However, the parties should not expect any further continuances in this matter. The PHC, initially scheduled for March 9, 2011, and the first day of DPH, initially scheduled for March 14, 2011, are vacated. This matter will be set as follows:

Prehearing Conference: March 14, 2011 at 1:30 p.m.
Due Process Hearing: March 15, 16, and 17, 2011 at 9:30 a.m.

IT IS SO ORDERED.

Dated: March 09, 2011

/s/

CARLA L GARRETT
Administrative Law Judge
Office of Administrative Hearings