

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LUCIA MAR UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2010090863

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

On January 5, 2011, the parties filed a request to continue the dates in this matter on the grounds that agreed upon assessments had not yet been completed and the parties required more time to carry out terms of an interim agreement with respect to the assessments.

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, the Office of Administrative Hearings (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:

Prehearing Conference: February 16, 2011, at 10:00 AM  
Due Process Hearing: February 22-24 and March 1-2, 2011, 9:30 AM<sup>1</sup>

IT IS SO ORDERED.

Dated: January 5, 2011

/s/

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BOB VARMA  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> The parties requested February 25, 2011, as a day for the due process hearing. However, OAH does not schedule hearings on furlough Fridays.