

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN JUAN UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011010219

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

On February 16, 2011, District filed a request to continue the due process hearing dates in this matter due to unavailability of counsel. On February 18, 2011, Student filed a statement of non-opposition, but proposed alternative hearing dates than those submitted by District. On February 22, 2011, District informed the Office of Administrative Hearings (OAH) that it agreed with Student's proposed dates.

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:

Prehearing Conference: April 25, 2011 at 10:00 AM
Due Process Hearing: May 2 – 5, 2011 at 9:30 AM, except on May 2,
2011 when the hearing shall begin at 1:30 PM

IT IS SO ORDERED.

Dated: February 22, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings