

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ACALANES UNION HIGH SCHOOL  
DISTRICT.

OAH CASE NO. 2011010891

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

On March 22, 2011, the parties filed a request to continue the dates in this matter on the grounds that they had been unable to set a mediation date as Parents are busy physicians. This matter was filed on January 27, 2011, and has previously been continued on March 2, 2011.

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.<sup>1</sup> All dates are vacated. This matter will be set as follows:

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<sup>1</sup> The majority of parents of disabled children, while they may not be physicians, find themselves equally burdened by scheduling conflicts due to their employment or family needs. However, most parents find a process by which to prioritize their special education litigation schedule with other scheduling demands. Here, OAH is concerned that the request is based upon a desire to mediate limited by the Parents' work schedule and yet, the parties have only requested a one-half day of mediation.

Mediation: April 21, 2011, at 1:00 PM  
Prehearing Conference: May 4, 2011, at 1:30 PM  
Due Process Hearing: May 10 – 12, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: March 23, 2011

/s/

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BOB VARMA  
Administrative Law Judge  
Office of Administrative Hearings