

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011020712

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
DATES

On March 19, 2011, Student filed a request to continue the dates in this matter for 30 days in order to allow Parents to retain counsel. On April 23, 2011, the District filed a pleading that does not oppose continuance but requests a status conference to determine dates to be calendared.

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)(2006); 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. The District's request for a status conference is denied without prejudice to the filing of an appropriate motion if the parties, after meeting and conferring, cannot comply with the following schedule or agree on alternative dates. This matter will be set as follows.

Mediation:	May 5, 2011, at 9:30 AM
Prehearing Conference:	May 16, 2011, at 1:30 PM
Due Process Hearing:	May 23, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: March 24, 2011

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings