

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHULA VISTA ELEMENTARY SCHOOL
DISTRICT.

OAH CASE NO. 2011031306

ORDER GRANTING/DENYING
REQUEST FOR CONTINUANCE AND
SETTING MED/TSC/PHC/HRG

On June 13, 2011, Student filed a request to continue the dates in this matter. Student cites as grounds for the continuance that Student has recently retained new counsel, and counsel needs time to prepare for the due process hearing. The District has stipulated to the continuance. The parties have also agreed upon new 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:

Mediation:

Trial Setting Conference:

Prehearing Conference: August 22, 2011 at 10:30 AM

Due Process Hearing: August 29, 2011 through September 1, 2011 at 9:30
AM

IT IS SO ORDERED.

Dated: June 13, 2011

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings