

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

SADDLEBACK VALLEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011040670

ORDER GRANTING DISTRICT'S
MOTION TO CONTINUE AND
SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On May 11, 2011, Parents on behalf of Student, through counsel, filed with the Office of Administrative Hearings (OAH) an Amended Due Process Complaint that named the Saddleback Unified School District (District). On May 18, 2011, OAH issued a Scheduling Order on the Amended Complaint setting a prehearing conference for June 29, 2011, and a due process hearing for July 6, 2011.

On May 20, 2011, OAH issued an Order Granting in Part and Denying in Part the District's Motion to Dismiss the Amended Complaint. As a result of this order, a single issue remains in the case: whether the District failed to timely provide Student and her parents with requested copies of all of Student's educational records.

On June 17, 2011, counsel for the District filed with OAH a Motion to Continue Prehearing Conference and Due Process Hearing, with supporting declarations. The motion is based upon the fact that, on the currently scheduled hearing date in the case, the District's Program Specialist is on vacation and the District's attorney is out of the country. The motion requested a continuance of the hearing from July 6 to July 27, 2011.

On June 22, 2011, counsel for Student filed with OAH an Opposition to the District's Motion to Continue.

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 .)

Here, while it is true that the remaining issue in the Amended Complaint is a relatively simple matter for hearing, the District's motion establishes good cause for a short continuance of the hearing based upon the unavailability of the District's counsel and the responsible Program Specialist. Accordingly, the District's motion is:

Granted. All dates are vacated. This matter will be set as follows:

Mediation:	N/A
Trial Setting Conference:	N/A
Prehearing Conference:	07/20/2011, at 1:30 p.m.
Due Process Hearing:	07/27/2011; 07/28/2011.

IT IS SO ORDERED.

Dated: June 23, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings