

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

JANELLE AND SHANE SOUTHERLAND,  
PARENT(S) ON BEHALF OF STEWART  
SOUTHERLAND, STUDENT,

v.

FOLSOM CORDOVA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011060860

ORDER GRANTING REQUEST TO  
CONTINUE PREHEARING  
CONFERENCE

On October 5, 2011, the parties jointly filed a request to continue the October 12, 2011 prehearing conference in this matter to October 24, 2011, the day before the beginning of the Due Process Hearing, on the ground that they are unavailable on October 12.

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 with modification. OAH's calendar on October 24, 2011, cannot accommodate the parties' PHC. The first day of Due Process Hearing, October 25, 2011, is therefore vacated, and the PHC will occur at 10:00 a.m. on October 25. The other hearing dates, October 26 and 27, 2011, remain on calendar.

IT IS SO ORDERED.

Dated: October 06, 2011

/s/

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CHARLES MARSON  
Administrative Law Judge  
Office of Administrative Hearings

