

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

MT. DIABLO UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011061023

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

On July 1, 2011, Matt Juhl-Darlington, attorney for the Mount Diablo Unified School District (District), filed a motion to continue the dates in this matter. On July 6, 2011, Celeste Palmer, representative for Student, informed the Office of Administrative Hearings (OAH) that Student did not oppose the request to continue. The parties could not agree upon dates for a prehearing conference or due process hearing.

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:	July 14, 2011, at 9:30 AM
Prehearing Conference:	August 15, at 1:30 PM
Due Process Hearing:	August 25, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: July 6, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings