

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PANAMA-BUENA VISTA UNION  
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011070769

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

On August 1, 2011, the Panama-Buena Vista Union School District (District) filed a request to continue the dates in this matter on the ground that counsel for District was unavailable for hearing due to personal matters. Counsel provided a sworn declaration in support of the motion. The Office of Administrative Hearings (OAH) did not receive a written response from Parent. However, District stated in its motion that Parent had been unwilling to agree to a continuance. On August 5, 2011, Parent informed OAH that she would not be filing an opposition and may file Student's own complaint.

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:

Prehearing Conference: September 7, 2011, at 10:00 AM  
Due Process Hearing: September 19, 2011, at 1:30 PM; September 20 –  
21, 2011, at 9:00 AM

IT IS SO ORDERED.

Dated: August 5, 2011

/s/

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BOB VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings