

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CASTRO VALLEY UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011071004

ORDER DENYING REQUEST TO  
CONTINUE PREHEARING  
CONFERENCE

On November 28, 2011, the parties filed a joint request to continue the prehearing conference (PHC) from 1:30 p.m. on November 30, 2011, to 3:00 p.m. November 30, 2011, due to an unspecified need of counsel.

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, the Office of Administrative Hearings (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:

Denied. Due to operational needs of OAH, the Administrative Law Judge assigned to this matter is unavailable at 3:00 p.m. on November 30, 2011. Furthermore, the parties should be prepared to discuss consecutive days of hearing for this matter at the PHC.

IT IS SO ORDERED.

Dated: November 28, 2011

/s/

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BOB N. VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings