

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2011080092

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING NEW  
DATE FOR HEARING

On October 27, 2011, attorney for District moved to continue and set new dates for the Prehearing Conference (PHC) and the Due Process Hearing (DPH). Student did not file an opposition. On November 1, 2011, OAH granted the District's motion to continue and scheduled the PHC for February 1, 2012 at 1:30 p.m. and the DPH for February 6-9, 2012.

On November 15, 2011, both parties filed a joint request to continue the DPH dates for one week because Student's attorney was unavailable.

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: February 1, 2012 at 1:30 PM  
Due Process Hearing February 13-16, 2012

IT IS SO ORDERED.

Dated: November 15, 2011

/s/

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ROBERT HELFAND  
Administrative Law Judge  
Office of Administrative Hearings