

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN RAFAEL CITY SCHOOLS
ELEMENTARY SCHOOL DISTRICT.

OAH CASE NO. 2011080500

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING DUE
PROCESS HEARING

On November 7, 2011, Student filed a request to continue the dates in this matter on the ground that Student's counsel was unavailable due to personal emergencies. On November 8, 2011, the San Rafael City Schools Elementary School District, filed a statement of non-opposition, proposing dates alternative to those requested by Student.

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:

Granted. All dates are vacated. This matter will be set as follows:

Due Process Hearing: December 14 – 15, 2011, at 9:30 AM¹

IT IS SO ORDERED.

Dated: November 9, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings

¹ The Administrative Law Judge at the hearing may add December 16, 2011, as hearing day.