

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

IRVINE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2011081083

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

On December 8, 2011, counsel for the Irvine Unified School District filed with the Office of Administrative Hearings (OAH) a motion to continue the initial hearing dates set after the District filed with OAH a Second Amended Due Process Complaint in this matter. The District has requested that OAH continue the hearing in this matter to January 3 – 5, 2012, dates that the parties had previously agreed were mutually convenient.

On December 13, 2011, counsel for Student filed with OAH a response to the motion. Student does not oppose the motion to continue, but objects that OAH continue the matter to early January 2012, because counsel for Student is unavailable, and Student's expert needs more time to evaluate her assistive technology needs. Counsel for Student is not available for hearing until mid-March 2012.

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:	To be determined by the parties.
Status Conference:	N/A
Prehearing Conference:	03/05/2012, at 1:300 p.m.
Due Process Hearing:	03/12/2012; 03/13/2012; 03/14/2012; 03/15/2012.

IT IS SO ORDERED.

Dated: December 14, 2011

/s/

TIMOTHY L. NEWLOVE
Presiding Administrative Law Judge
Office of Administrative Hearings