

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CUPERTINO UNION SCHOOL
DISTRICT.

OAH CASE NO. 2011081110

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING
DATES

On November 3, 2011, the parties filed a joint request for continuance and requested further mediation in this matter prior to hearing.

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).) However, in California mediation is encouraged as a way for parties to resolve special education disputes between families of disabled students and local educational agencies. (Ed. Code § 56500.3 (a).) Education Code section 56503 permits parties to engage in mediation prior to hearing, and “even if the hearing has commenced.”

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:

December 7, 2011 at 9:30 a.m.

Prehearing Conference (PHC): January 18, 2012 at 1:30 p.m.¹

Due Process Hearing: January 24, 2012, at 1:30 p.m., and
January 25-26, 2012, at 9:00 a.m.

IT IS SO ORDERED.

Dated: November 3, 2011

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

¹ The parties requested that the PHC occur on January 16, 2012, but that is a legal holiday.