

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

FULLERTON ELEMENTARY SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011081127

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING DUE
PROCESS HEARING

On February 9, 2012, the Fullerton Elementary School District (District) filed a request to continue the hearing in this matter on the grounds that the hearing required consecutive days and Student's counsel was not available for consecutive days. On February 9, 2012, Student filed an opposition, but proposed alternative dates. Later on February 9, 2012, District accepted Student's proposed dates.

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: April 30, 2012, at 1:30 PM; May 1 – 3, 2012, at
9:30 AM

IT IS SO ORDERED.

Dated: February 10, 2012

/s/

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