

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MONTEBELLO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011100012

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MED/PHC/HRG

On November 4, 2011, the parties filed a stipulated first request for a continuance of all dates. The parties requested a particular ALJ as mediator, and OAH will try to fulfill that request, however, it cannot be guaranteed given OAH's operational needs.

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 for good cause. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 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:	November 17, 2011 at 9:30 AM
Prehearing Conference:	November 28, 2011 at 10:00 AM
Due Process Hearing:	December 5-6, 2011 at 1:30 PM first day, 9:00 after. (Note – an additional day was added because OAH only calendars Monday hearings at 1:30 PM.)

IT IS SO ORDERED.

Dated: November 04, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings