

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

VALLEJO CITY UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011100369

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

On November 1, 2011, Parent, on behalf of Student, filed a request to continue the dates in this matter. On October 25, 2011, the Vallejo City Unified School District (District) filed a request to amend its complaint in this matter. On October 31, 2011, the Office of Administrative Hearings (OAH) granted District's request to amend the complaint and set the hearing in this matter for November 30, 2011. Parent states that he is seeking representation for Student and also states he has health issues. District objects not to the continuance, but that 60 days is unreasonable. With the holidays in December usually meaning school districts are dark for at least two weeks, it is reasonable that any continuance of this matter would move the matter in January 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: January 10, 2012, at 9:30 AM
Prehearing Conference: January 25, 2011, at 10:00 AM
Due Process Hearing: February 2, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: November 7, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings