

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

STANDARD SCHOOL DISTRICT AND
KERN COUNTY SUPERINTENDENT OF
SCHOOLS,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011100643

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

On December 22, 2011, the Kern County Superintendent of Schools (County) filed a request to continue the dates in this matter on the grounds that it had recently retained new counsel who was out of the state until January 22, 2012, and required time to prepare. The Office of Administrative Hearings (OAH) did not receive a response from Student or Standard School District.

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. **The parties are cautioned that in other cases with similar facts, OAH has denied such continuance requests because an attorney who knowingly accepts a new matter with dates that conflict with the attorney's calendar, does so at his or her own peril. However, here, the other parties have not opposed County's motion and therefore, it is granted.** This matter will be set as follows:

Mediation: February 9, 2012, at 9:30 AM
Prehearing Conference: February 29, 2012, at 10:00 AM
Due Process Hearing: March 6 – 8, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: December 29, 2011

/s/

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