

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

VISTA UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011120408

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

On March 12, 2012, the parties filed a joint request to continue the dates in this matter. This case was filed in December 2011, and this is the third request for continuance filed by the parties. The parties are requesting this continuance to enable them to hold an individualized education program (IEP) team meeting at which they hope to resolve this matter.

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. However, the parties are cautioned that this case is already old. If the matter is not resolved at the IEP meeting, the parties should be prepared to proceed on the new dates listed below without a further continuance.

Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: Wednesday, May 2, 2012, at 10:00 AM
Due Process Hearing: Wednesday, May 9, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: March 13, 2012

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings