

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LUCIA MAR UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011120452

ORDER GRANTING MOTION FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING

This matter is currently set for a prehearing conference (PHC) on January 30, 2012, and a one-day hearing on February 7, 2012. On January 17, 2012, District filed a joint request to continue all dates in this matter, signed by both parties.

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).)

Student's request for due process was filed on December 15, 2011, and there have been no prior continuances in this case. The parties request five days for hearing and represent that the attorney for the District is unavailable on the scheduled date. OAH has reviewed the request for good cause and the request is:

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

Prehearing Conference: April 9, 2012, at 1:30 PM

Due Process Hearing: April 16, and 23, 2012, at 1:30 PM,¹ and
April 17 – 19, 2012, at 9:00 AM

2. Mediation: The parties are encouraged to voluntarily participate in mediation and meet and confer to agree upon a date.

¹ OAH does not generally calendar hearings on Monday mornings.

3. Other Matters: All other matters relevant to preparing for hearing, including clarification of issues and identification of witnesses and exhibits, will be addressed at the prehearing conference on April 9, 2012.

4. Settlement: Dates for the prehearing conference and the hearing will not be cancelled until a letter of withdrawal or request for dismissal with the signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled prehearing conference and the hearing unless different arrangements have been agreed upon by the assigned ALJ or otherwise ordered by OAH.

IT IS SO ORDERED.

Dated: January 18, 2012

/s/

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings