

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

EL RANCHO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012010349

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

On February 6, 2012, the parties filed a stipulated first request to continue all dates in this matter to mutually agreed dates.

In reviewing the file, the ALJ noted that the due process hearing request (complaint) recites language from the expedited hearing provisions of title 20 United States Code section 1415(k). However, the complaint cannot be read as alleging expedited issues because as stated, the issues at most can be interpreted as a general “child find” claim for the 2009-2010 school year, and nowhere on the face of the complaint is there a reference to an “expedited” hearing. Continuances are not available in expedited matters and OAH assumes that Student did not intend to file an expedited hearing request based on the language of the complaint and the filing of this motion to continue.

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); see also 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:	March 29, 2012 at 9:30 AM
Prehearing Conference:	April 16, 2012 at 10:00 AM
Due Process Hearing:	April 23-26, 2012 at 1:30 PM first day, 9:00 AM after. [NOTE –additional days added based on issues identified in complaint.]

IT IS SO ORDERED.

Dated: February 06, 2012

/s/

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