

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

THE LEARNING CHOICE ACADEMY,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012020252

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

On February 17, 2012, Student filed a request to continue this matter. On February 28, 2012, the Learning Choice Academy filed a non-opposition, but indicated that the parties would, later on the same day, submit joint proposed dates. The Office of Administrative Hearings (OAH) did not receive joint dates from the 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, 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:	The parties may submit a proposed date
Prehearing Conference:	May 2, 2012, at 10:00 AM
Due Process Hearing:	May 8 – 10, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: February 29, 2012

/s/

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