

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012020716

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE

On April 10, 2012, Student filed a request to continue the date for the prehearing conference in this matter from April 11, 2012 at 1:30 a.m., to April 23, 2012, at 1:30 a.m., because the parties have reached an agreement in principle that will settle the case. The District has not filed a response.

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).)

OAH has reviewed the request for good cause and the request is:

Granted. The current date for the prehearing conference will be vacated. The due process hearing shall remain as currently set. This matter will be set as follows:

Prehearing Conference: April 23, 2012 at 1:30 a.m.
Due Process Hearing: April 24, 2012 at 9:30 a.m.

IT IS SO ORDERED.

Dated: April 10, 2012

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

