

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLOVERDALE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012030622

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

On March 19, 2012, the Cloverdale Unified School District (District) filed a request to continue the prehearing conference and due process hearing in this matter on the grounds of unavailability of counsel. District did not meet and confer with Parents. Student did not file 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. OAH is unavailable on the dates requested. District is encouraged to meet and confer with Parents in the future, and to check OAH's online calendar to ensure OAH is not dark on dates being requested. This matter will be set as follows:

Mediation: March 29, 2012, 9:30 AM
Prehearing Conference: May 14, 2012, at 10:00 AM
Due Process Hearing: May 22 – 24, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: March 26, 2012

/s/

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