

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

IRVINE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2009090443

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
TRIAL SETTING CONFERENCE

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 that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020.) In weighing motions for continuances in special education due process matters, the Office of Administrative Hearings (OAH) looks to California Rules of Court for guidance. Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

At the prehearing conference scheduled in this matter, the parties requested a continuance of the initially scheduled mediation and hearing dates in order to allow Student's parents time to retain legal counsel. The request is hereby granted, as follows:

All dates are vacated. This matter will be set for the following dates and times:

Trial Setting Conference: 10/26/2009 at 1:30 p.m.

IT IS SO ORDERED.

Dated: October 07, 2009

/s/

TIMOTHY L. NEWLOVE

Presiding Administrative Law Judge
Office of Administrative Hearings