

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GILROY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010060889

ORDER GRANTING IN PART  
REQUEST FOR CONTINUANCE AND  
SETTING MEDIATION, PREHEARING  
CONFERENCE, AND HEARING  
DATES

On August 6, 2010, the parties jointly filed a request to continue the dates in this matter for a period of approximately three months, and suggested October 26, 2010 for mediation and November 15-18, 2010 for hearing. The only claim made in support of the application is: "Student is undergoing independent educational evaluation."

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, 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, 3.1332(c).)

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

Granted in part. This matter will be set as follows:

Mediation: Sept. 1, 2010, at 9:30 AM

Prehearing Conference: Sept. 13, 2010 at 1:30 PM

Due Process Hearing: Sept. 20-23, 2010, at 9:30 AM

To the extent that the parties seek a continuance beyond the dates set above, the request is denied without prejudice to a further request presenting a more persuasive showing that there is good cause to continue the matter beyond the dates set above.

IT IS SO ORDERED.

Dated: August 06, 2010

/s/

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CHARLES MARSON  
Acting Presiding Administrative Law Judge  
Office of Administrative Hearings