

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2010110717

v.

DRY CREEK JOINT ELEMENTARY  
SCHOOL DISTRICT, PLACER COUNTY  
OFFICE OF EDUCATION AND PLACER  
COUNTY CHILDREN'S SYSTEM OF  
CARE,

DRY CREEK JOINT ELEMENTARY  
SCHOOL DISTRICT,

OAH CASE NO. 2010091063

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING REQUEST TO  
CONTINUE; SETTING MEDIATION,  
PREHEARING CONFERENCE AND  
DUE PROCESS HEARING; AND  
GRANTING EXTENSION TO FILE  
RESPONSES TO MOTIONS

*Request for Mediation and Motion to Continue*

On January 26, 2011, the parties filed a joint request to continue the dates in this matter on the grounds that the parties wished to mediate the matter. A mediation has not taken place in this matter. In order to mediate the matter, the parties request a continuance of the prehearing conference and due process hearing dates.

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 prehearing conference date of January 26, 2011, and the due process hearing dates of February 7 – 10, 2011, are vacated. This matter will be set as follows:

Mediation:	February 1, 2011, at 9:30 AM
Prehearing Conference:	February 2, 2011, at 10:00 AM
Due Process Hearing:	February 14 – 17, 22 – 24, and March 1 – 4, 2011, at 1:00 PM on February 14 and 22, 2011, and at 9:00 AM on all other dates, unless otherwise ordered

*Request to Extend Time to File Responses to Motions*

There are currently pending before OAH the following motions: 1) Request to Amend Complaint and Alternative Motion to Hear Issue No. 1 Prior to Consolidated Issues; 2) Motion for Reconsideration of Order Dismissing District's Issue No. 1 and Granting Consolidation Due to Change of Circumstances; and 3) Motion in Limine to Exclude Evidence and Testimony Barred by Statue of Limitations. The parties jointly request that the time to file responses to said motions be extended to February 3, 2011.

The parties' joint request is granted. Any responses or oppositions to these motions shall be filed by February 3, 2011.

IT IS SO ORDERED.

Dated: January 26, 2011

/s/  
\_\_\_\_\_  
BOB VARMA  
Administrative Law Judge  
Office of Administrative Hearings