

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MARIN COUNTY OFFICE OF  
EDUCATION AND SAN RAFAEL CITY  
SCHOOLS.

OAH CASE NO. 2010080231

ORDER DENYING REQUEST FOR  
STATUS CONFERENCE

On January 5, 2011, the parties filed a request to vacate the dates in this matter and set a status conference on the grounds that the parties had reached an “agreement on the terms of a settlement.” The matter is currently set for a prehearing conference on January 10, and due process hearing on January 18 – 21, 2011.

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:

Denied. All hearing dates and timelines shall proceed as calendared. Here, the parties do not have a signed settlement agreement. OAH will vacate pending dates and set a status conference if the parties to a case have a signed settlement agreement. Accordingly, the parties request is denied. The parties may re-submit the request to vacate dates and set a status conference once they have a signed settlement agreement.

IT IS SO ORDERED.

Dated: January 5, 2011

/s/

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BOB VARMA  
Administrative Law Judge  
Office of Administrative Hearings