

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

STUDENT,

v.

CALIFORNIA DEPARTMENT OF  
EDUCATION.

OAH CASE NO. 2010100757

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING PHC  
& HEARING DATES

On December 1, 2010, Student and the California Department of Education (CDE) jointly requested a continuance of the dates in this matter. The reason for the continuance was that the parties are entering a settlement agreement under which Student will not withdraw her due process hearing request until certain contingencies are met. The parties anticipate that the contingencies will be met and Student will withdraw her due process hearing request prior to the new 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, 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).)

Here, the parties have shown good cause and the request for a continuance is granted. All dates are vacated. The new dates are: Prehearing Conference on January 12, 2011 at 10 a.m.; Due Process Hearing on January 19, 2011 at 9:30 a.m.

IT IS SO ORDERED.

Dated: December 1, 2010

/s/

RICHARD T. BREEN

Administrative Law Judge

Office of Administrative Hearings