

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN JOSE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010100957

ORDER DENYING REQUEST TO
VACATE DATES, GRANTING
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On May 16, 2011, the parties filed a request to vacate the dates in this matter, and set a status conference, on the ground that they had “reached a tentative agreement.”

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 to vacate dates and set a status conference is denied. Having a “tentative agreement” does not constitute good cause to vacate dates, however, it may be good cause for a brief continuance. Accordingly, this matter is continued and set as follows:

Prehearing Conference: June 1, 2011 at 1:30 PM
Due Process Hearing: June 13 - 16, 2011, at 1:30 PM on June 13, 2011

IT IS SO ORDERED.

Dated: May 17, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings