

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FORTUNA UNION ELEMENTARY
SCHOOL DISTRICT.

OAH CASE NO. 2010101004

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On March 28, 2011, the parties filed a joint request to vacate the dates in this matter on the grounds that they had reached a final settlement, which was being circulated for signatures. Because the parties do not have a signed settlement agreement, the request will be treated as a motion to continue.

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. A settlement agreement awaiting final execution does not constitute good cause to vacate all dates and set a status conference. However, it does constitute good cause to grant a continuance. All dates are vacated. This matter will be set as follows:

Prehearing Conference: April 13, 2011, at 1:30 PM
Due Process Hearing: April 21, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: March 28, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings