

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BALDWIN PARK UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011020915

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
STATUS CHECK

On April 18, 2011, Student filed a request to continue the prehearing conference and due process hearing dates in this matter. On the same date, Administrative Law Judge Adrienne L. Krikorian held a hearing on Student's request for continuance. Attorney Jenny Rodriguez appeared for Student. Attorney Meredith Reynolds appeared for District. The hearing was not recorded. All other respondents in the case had been previously dismissed. Counsel for the parties represented that the matter has settled, pending parents' execution of a final settlement agreement, and Board approval. Counsel represented that their respective clients have verbally approved all settlement terms and the form of written agreement. The next Board meeting is scheduled for May 11, 2011. District joined in Student's request that the hearing dates be vacated and a status check be scheduled after the upcoming Board meeting.

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, 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. All dates are vacated. This matter will be set as follows:

Status Check: May 18, 2011 at 1:30 PM

IT IS SO ORDERED.

Dated: April 18, 2011

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings