

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROSS VALLEY SCHOOL DISTRICT.

OAH CASE NO. 2011030054

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

On April 14, 2011, the parties filed a request to delay the filing of their prehearing conference (PHC) until April 19, 2011, on the grounds that they parties had a final settlement that was in the process of being executed. **In their haste to get an extension to file their PHC statements, the parties appear to have forgotten that the PHC is calendared for April 18, 2011, one day earlier than the deadline extension they seek.**

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. Settlement agreements pending execution are good cause to continue dates. All dates are vacated. This matter will be set as follows:

Prehearing Conference: May 4, 2011, at 1:30 PM
Due Process Hearing: May 10, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: April 15, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings