

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011030776

ORDER GRANTING CONTINUANCE
AND SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING DATES

On May 10, 2011, Student filed a notice of settlement agreement and requested to take the currently scheduled hearing dates off the calendar and schedule a future telephonic status conference (TSC). While Student had signed the agreement, Oakland Unified School District's signatures are still pending.

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).)

Notice of a settlement, without a fully executed settlement, does not constitute good cause to vacate dates and set a TSC. However, it may constitute good cause to grant a continuance. OAH has reviewed the request for good cause to grant a continuance and the request is:

Granted. All dates are vacated. This matter will be re-set as follows:

Prehearing Conference: June 6, 2011, at 1:30 PM
Due Process Hearing: June 14 at 9:00 AM

Final Settlement. Dates for the prehearing conference and hearing will be cancelled when OAH receives a letter of withdrawal, or a request for dismissal with the fully executed signature page of the signed agreement. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ.

IT IS SO ORDERED.

Dated: May 10, 2011

/s/

TROY K. TAIRA
Administrative Law Judge
Office of Administrative Hearings