

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

EVERGREEN SCHOOL DISTRICT AND  
SANTA CLARA COUNTY OFFICE OF  
EDUCATION.

OAH CASE NO. 2011040721

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

On August 15, 2011, the parties notified the Office of Administrative Hearings (OAH) of a final settlement agreement that was in the process of being executed, and requested OAH vacate all dates and set a status conference. A settlement agreement that is not fully executed does not establish good cause to vacate hearing dates, but may constitute good cause to grant a continuance.

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:

Prehearing Conference: August 24, 2011, at 10:00 AM  
Due Process Hearing: September 8, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: August 15, 2011

/s/

BOB VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings