

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011060521

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

On July 19, 2011, Student filed a request to continue the Prehearing Conference and due process hearing dates in this matter<sup>1</sup> based upon the fact that Student's counsel represents six students with the same legal issue against the San Francisco Unified School District (District) regarding the closure and/or relocation of a non-public school (NPS) where the students attended during the 2010-2011 school year (SY), and the need to prepare for those hearings. On June 21, 2011, the District filed an opposition, asserting that the District needs to have the hearing commence before the start of SY 2011-2012, which is August 15, 2011, to have a determination as to which NPS Student will attend for the upcoming school year.

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. All dates are vacated. Student established good cause for a brief continuance in this matter. Student is correct that if its pending motion for stay put is denied

---

<sup>1</sup> Student's Notice of Representation stated that Student cancelled the mediation and would contact OAH to reschedule the mediation after a ruling is issued on Student's motion for stay put. Student's motion for stay put will be ruled upon in a separate order.

that the District will have obtained its request in that Student will attend its proposed NPS during the pendency of this action. Additionally, Student established good cause for a brief continuance to permit Student's counsel to prepare for hearing in this matter. Therefore, this matter will be set as follows:

Prehearing Conference: August 29, 2011, at 1:30 PM  
Due Process Hearing: September 7, 2011, at 9:00 AM

IT IS SO ORDERED.

Dated: July 22, 2011

/s/

---

PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings