

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. 2011060553

ORDER GRANTING CONTINUANCE  
AND SETTING DUE PROCESS  
HEARING

On September 9, 2011, the parties filed a request to vacate previously set hearing dates of September 15-16, 2011, in this matter, and to set a telephonic status conference (TSC) for September 26, 2011. The parties indicated that a final settlement agreement had been negotiated, and once fully executed, the agreement would be presented to the Board of Education for the District at its meeting on September 20, 2011.

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 in part and denied in part. Because the parties did not represent that the settlement agreement was fully executed, the hearing dates will be continued rather than vacated. However, upon full execution of the settlement, if the parties desire a status conference beyond the hearing dates set out below, they may ask OAH to vacate the dates and set a status conference. This matter will be set as follows:

Due Process Hearing: October 13-14, 2011 at 9:30 a.m.

IT IS SO ORDERED.

Dated: September 12, 2011

/s/

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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings