

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. 2011071056

ORDER DENYING REQUEST TO
VACATE DATES WITHOUT
PREJUDICE

On September 23, 2011, the parties filed a joint request to vacate previously set prehearing conference (PHC) of October 5, 2011, and the hearing date of October 11, 2011, and to set a telephonic status conference (TSC) for October 25, 2011, on the grounds that they had reached a final settlement that was in the process of being executed.

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:

Denied without prejudice. Here, the parties have sufficient time prior to the PHC of October 5, 2011, to obtain signatures on the settlement. Should they fail to do so, they may re-submit their request as a request for a continuance of all dates. OAH will not set a status conference unless the parties have a final, executed settlement.

IT IS SO ORDERED.

Dated: September 26, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings