

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT AND BERKELEY UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011080343

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

On November 18, 2011, the parties filed a request to continue the dates in this matter on the grounds that they had reached a final settlement that required execution.¹

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. This matter will be set as follows:

Prehearing Conference: January 4, 2012, at 10:00 AM
Due Process Hearing: January 17-19 and 30-31, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: November 18, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings

¹ The parties mentioned dates pertaining to a sibling's case. No order is made as to that case herein.