

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. 2011080980

ORDER GRANTING CONTINUANCE
AND SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On January 24, 2012, the parties informed the Office of Administrative Hearings (OAH) that they had reached a settlement and requested OAH set a trial setting conference to permit them time to finalize the documents. OAH will only vacate dates and set trial setting or status conferences if the parties have a signed settlement. However, a notice of settlement may be good cause for 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: February 13, 2012, at 1:30 PM

Due Process Hearing: February 22, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: January 24, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings