

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

SAN MIGUEL JOINT UNION SCHOOL
DISTRICT,

OAH CASE NO. 2010090006

PARENTS ON BEHALF OF STUDENT,

v.

SAN LUIS OBISPO COUNTY SELPA.

OAH CASE NO. 2010100993

ORDER GRANTING MOTION TO
VACATE DATES AND SETTING
STATUS CONFERENCE

On December 29, 2010, Student filed a notice of settlement and requested that the currently set prehearing conference and due process hearing dates be vacated on the grounds that the written settlement, executed by the parties, is pending approval by the San Miguel Joint Union School District board.

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:

Status Conference: February 2, 2011, at 11:00 AM

IT IS SO ORDERED.

Dated: December 29, 2010

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings