

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

RIALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2010110296

ORDER GRANTING CONTINUANCE  
OF PHC ONLY TO MARCH 2, 2011

On February 10, 2011, the parties filed a stipulated request to continue the prehearing conference (PHC) from February 16, 2011 to the first day of hearing, March 7, 2011, on the ground that the parties were working on a settlement agreement. As discussed below, the request is granted, but to March 2, 2011, a date that gives the parties ample time to complete settlement negotiations while leaving sufficient time to prepare for hearing.

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 for good cause. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); see also 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 to continue the PHC is granted to March 2, 2011 at 1:30 p.m. This date leaves the parties sufficient time to complete a settlement, but also leaves sufficient time to conduct a PHC should a hearing be required. The parties are expected to timely file PHC statements prior to the new March 2, 2011 date for the PHC.

IT IS SO ORDERED.

Dated: February 14, 2011

/s/

RICHARD T. BREEN  
Presiding Administrative Law Judge (acting)  
Office of Administrative Hearings