

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. 2010110455

ORDER VACATING DUE PROCESS
HEARING AND SETTING NEW DUE
PROCESS HEARING DATE

This matter was heard on February 23 and 25, 2011, and was continued to March 9, 2011, for an additional day of due process hearing. On March 7, 2011, the Office of Administrative Hearings (OAH) notified the parties that due to a personal emergency the Administrative Law Judge (ALJ) presiding over this matter, Michael Barth, was unavailable for hearing on March 9, 2011. On March 8, 2011, a telephonic conference was held with the parties and the undersigned. The parties agreed to continue this matter and mutually requested March 17, 2011, as the next day for due process 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. (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).)

Here, the unavailability of the presiding ALJ due to an unforeseen emergency is good cause to continue this matter. Accordingly, the due process hearing date of March 9, 2011, is vacated and this matter is set as follows:

The due process hearing is continued to March 17, 2011, at 9:30 a.m.

IT IS SO ORDERED.

Dated: March 8, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings