

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. 2011020678

ORDER GRANTING IN PART AND
DENYING IN PART REQUEST TO
SET DUE PROCES HEARING; AND,
CONTINUING DUE PROCESS
HEARING

On March 22, 2011, the parties filed a joint request to schedule the due process hearing dates in this matter on April 14, 19 through 21 and 27, 2011. The due process hearing in this matter is currently set for a single day of hearing on April 14, 2011. The parties do not seek to vacate or continue the currently set dates for mediation and prehearing conference.

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 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).)

The parties request five days of hearing, spread out over a three week period. Such a schedule does not lend itself to an efficient hearing process. Accordingly, the parties' motion is granted in part and denied in part. The parties request for due process hearing on April 14 and 27, 2011, is denied. The parties request for due process hearing on April 19 through 21, 2011, is granted. This matter is set as follows:

1. The mediation in this matter shall remain scheduled on March 29, 2011.
2. The prehearing conference in this matter shall remain scheduled on April 6, 2011, at 10:00 A.M.
3. The due process hearing date of April 14, 2011, is vacated.

4. The due process hearing in this matter is continued to April 19 through 21, 2011, starting at 9:30 A.M.

5. Any additional days of hearing shall be discussed by the parties with the Administrative Law Judge presiding at the prehearing conference on April 6, 2011.

IT IS SO ORDERED

Dated: March 23, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings