

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011030311

ORDER DENYING REQUEST TO
VACATE DATES, GRANTING
CONTINUANCE AND SETTING DUE
PROCESS HEARING

On June 10, 2011, the parties filed a joint request to vacate the due process hearing dates in this matter on the ground that they had reached an agreement in principal and required additional time to finalize the settlement. The parties requested a Trial Setting Conference (TSC).

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 to vacate hearing dates and set a TSC is denied. OAH will only set a TSC, or a status conference, in limited circumstances, for example when the parties have an executed final settlement that requires board approval. However, the parties have established good cause to continue the hearing.

Accordingly, the hearing in this matter is continued to June 28 through July 1, 2011.

IT IS SO ORDERED.

Dated: June 10, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings