

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 GRANTING REQUEST FOR
CONTINUANCE

On June 27, 2011, Student filed a Notice of Settlement stating that the parties had reached a final settlement agreement and did not wish to proceed with the hearing scheduled to begin on June 28, 2011.

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 and finds good cause to continue the hearing in order to give Student time to withdraw his complaint. The first day of hearing is vacated. Accordingly, the hearing in this matter is continued to June 29 through July 1, 2011.

IT IS SO ORDERED.

Dated: June 27, 2011

/s/

TROY K. TAIRA
Administrative Law Judge
Office of Administrative Hearings