

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN JOSE UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011040432

ORDER GRANTING CONTINUANCE
AND SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On January 11, 2012, the parties notified the Office of Administrative Hearings (OAH) that they had reached a settlement, but required additional time to finalize the documents. They requested OAH vacate the current dates and set a status conference after January 16, 2012. Unless the parties have a signed settlement, OAH treats such requests as a request to continue and not a request to vacate hearing dates.

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).)

OAH has reviewed the request for good cause and the request is:

Granted. The hearing set for January 17, 2012, is vacated. This matter will be set as follows:

Prehearing Conference: January 17, 2012, at 10:00 AM
Due Process Hearing: January 18 – 19, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: January 11, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings