

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

BERKELEY UNIFIED SCHOOL
DISTRICT,

OAH CASE NO. 2011060266

BERKELEY UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2011050280

ORDER DENYING IN PART REQUEST
FOR CONTINUANCE

On September 8, 2011, the parties made a joint request to vacate the hearing dates in this matter, September 12 through 16, 2011, and schedule a status conference for September 19, 2011, because the parties are close to reaching a signed settlement agreement.

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 is:

Denied in part. The parties did not establish good cause to continue all hearing dates so that the parties may effectuate a final settlement. Therefore, the first day of hearing, September 12, 2011, is vacated to allow the parties an opportunity to settle this matter, and will be set as follows:

Due Process Hearing: September 13 through 16, 2011. The hearing shall begin each day at 9:00 a.m. and end at 5:00 p.m., with the exception of September 16, 2011, on which day the hearing shall conclude at 11:00 a.m.

Upon execution of a written settlement agreement, the parties may forward proof of the agreement to OAH. At that time, OAH will consider vacating all dates and setting a status conference.

IT IS SO ORDERED.

Dated: September 9, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings