

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. 2011060361

ORDER GRANTING REQUEST FOR  
CONTINUANCE, AND SETTING  
PREHEARING CONFERENCE AND  
DUE PROCESS HEARING

On July 19, 2011, Student filed a request to continue the dates in this matter. On July 21, 2011, San Francisco Unified School District (District) filed an opposition to the request for continuance.<sup>1</sup>

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. All dates are vacated. Student recently retained counsel, and the law office that has been retained will have several attorneys on vacation during the time set for hearing. Additional time is needed to adequately prepare for hearing. Accordingly, good cause is found to continue the dates for a prehearing conference and the due process hearing.<sup>2</sup> This matter will be set as follows:

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<sup>1</sup> A separate motion for stay put has also been filed by Student and opposed by the District. This motion will be ruled on separately.

<sup>2</sup> Counsel for the District canceled mediation in the matter indicating that the parties might request mediation once the stay put motion had been ruled upon. Nothing in this order precludes the parties from requesting a new mediation date.

Prehearing Conference: August 31, 2011 at 10:00 a.m.  
Due Process Hearing: September 13, 2011 at 9:30 a.m.

IT IS SO ORDERED.

Dated: July 25, 2011

/s/

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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings