

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VISTA UNIFIED SCHOOL DISTRICT
AND SIATECH.

OAH CASE NO. 2011061131

ORDER GRANTING DISTRICT'S
REQUEST FOR CONTINUANCE OF
HEARING

On January 23, 2012, Vista Unified School District (District) filed a request to continue the first day of hearing, presently scheduled to begin on January 24, 2012. The other two days of hearing are January 25 and 26, 2012. District advised that the parties have reached an agreement and are awaiting signatures on a settlement agreement. As such, District has requested a one day continuance. Student's counsel, Tania Whiteleather, advised OAH staff that she has no opposition to District's motion. Counsel for SiaTech had previously requested that the hearing dates be taken off calendar because of the pending 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, 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. In an abundance of caution, OAH will grant a two day continuance, as opposed to the one day requested in District's motion. If the parties fail to file a withdrawal or a request for dismissal before then, the matter will proceed to hearing on Thursday, January 26, 2012 at 9:30 a.m.

IT IS SO ORDERED.

Dated: January 23, 2012

/s/

CARLA L GARRETT
Administrative Law Judge
Office of Administrative Hearings