

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN MATEO-FOSTER CITY SCHOOL
DISTRICT.

OAH CASE NO. 2011061171

ORDER GRANTING CONTINUANCE
AND SETTING DUE PROCESS
HEARING

On September 16, 2011, the parties informed the Office of Administrative Hearings (OAH) that they had reached a settlement by Student accepting a 10-day offer, and the parties were in the process of executing a final 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 parties have established good cause to vacate the dates, and continue this matter to provide sufficient time for finalization of the settlement. This matter will be set as follows:

Due Process Hearing: October 4 – 6, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: September 16, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings