

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. 2011070062

ORDER GRANTING REQUEST FOR  
CONTINUANCE, AND SETTING  
PREHEARING CONFERENCE AND  
HEARING DATES

On July 19, 2011, Parent on behalf of Student filed a request to continue the prehearing conference and hearing dates in this matter based upon the fact that Student's counsel was recently retained to represent six students with the same legal issue against San Francisco Unified School District regarding placement in the same non-public school, and needed time to prepare for the hearings. On July 21, 2011, San Francisco Unified School District filed an opposition based on its belief that the issue of Student's placement should be resolved before the start of the school year on August 15, 2011.

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:

Granted. All dates are vacated. Student has established good cause for a continuance in this matter to allow his recently retained counsel to prepare for hearing. This is the first continuance in this matter. This matter will be set as follows:

Prehearing Conference: September 14, 2011, at 10:00 AM  
Due Process Hearing: September 27, 2011, at 9:30 AM

Student cancelled the previously scheduled mediation pending a motion for stay put. Should the parties desire to schedule a mediation they may submit a request to OAH with a mutually agreed upon date. Student's motion for stay put will be ruled on separately.

IT IS SO ORDERED.

Dated: July 22, 2011

/s/

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TROY K. TAIRA  
Administrative Law Judge  
Office of Administrative Hearings