

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. 2011071057

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PHC/HRG

On September 23, 2011, the parties filed a joint request to vacate the previously set prehearing conference (PHC) of September 28, 2011, and the hearing dates of October 4-5, 2011, and to set a telephonic status conference (TSC) for October 25, 2011. The parties indicated that a final settlement agreement had been negotiated, and once fully executed, the agreement would be presented to the Board of Education for the District at its meeting on October 18, 2011. On September 26, 2011, the Office of Administrative Hearings denied in part the parties' continuance request because the parties had not executed the proposed settlement agreement, which continued the PHC to October 3, 2011, at 3:00 p.m., and maintained the previously set hearing dates.

On September 28, 2011, Student filed a request for a one week continuance in the above matter in order to obtain parent's signatures on the settlement agreement. Student represents that once the settlement agreement is signed, Student will request to vacate the PHC and hearing dates, and for OAH to set a TSC for after November 1, 2011, the date the settlement agreement will be discussed at a school board meeting.

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. No further continuances will be granted. Therefore, this matter will be set as follows:

Prehearing Conference: October 10, 2011, at 10:00 AM
Due Process Hearing: October 11 and 12, 2011 at 9:30 AM

IT IS SO ORDERED.

Dated: September 29, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings