

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. 2011071058

ORDER DENYING IN PART
REQUEST FOR CONTINUANCE

On September 23, 2011, the parties filed a joint request to vacate previously set prehearing conference (PHC) of September 28, 2011, and the hearing dates of October 6, 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.

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:

Denied in part. Because the parties did not represent that the settlement agreement was fully executed, the PHC date will be continued and hearing date will remain as previously set. However, upon full execution of the settlement, if the parties desire a status conference, they may ask OAH to vacate the dates and set a status conference. This matter will be set as follows:

Prehearing Conference: October 3, 2011, at 1:30 PM

IT IS SO ORDERED.

Dated: September 26, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings