

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ALBANY UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011080881

ORDER CONTINUING MATTER AND
SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On October 10, 2011, the parties notified the Office of Administrative Hearings (OAH) that they were in the process of finalizing a settlement, and requested that OAH vacate the prehearing conference set for October 10, 2011. A settlement agreement in the process of finalization is not good cause to vacate dates, however, it may constitute good cause to continue dates. The parties request is treated as a motion to continue.

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. This matter will be set as follows:

Prehearing Conference: November 2, 2011, at 1:30 PM
Due Process Hearing: November 15, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: October 10, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings