

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NORWALK-LA MIRADA UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2011110497

ORDER DENYING REQUEST FOR
CONTINUANCE

On February 10, 2012, the parties filed a request to continue the matter to a single status conference date on April 16, 2012. The request was ambiguous about whether the parties had actually executed a settlement agreement because in the first sentence it says the document had been executed and then in the second sentence makes reference to being executed after the parties have signed it and it has been subject to school board approval.

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 for good cause. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); see also Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) OAH does not take matters “off calendar,” and hearing dates are only vacated in favor of a status conference if the parties provide OAH a copy of the signature pages of a final settlement agreement that is subject to school board approval on a date certain.

OAH has reviewed the request for good cause and the request is denied. The parties did not provide a copy of the executed settlement agreement and the text of the request is ambiguous as to whether the agreement has been signed. Moreover, the parties fail to explain why a status conference should be set in April, given the general practice of school boards to meet at a minimum once a month. The parties may either submit: 1) A request to vacate dates and set status conference that is supported by the signature pages and the date of the school board meeting at which it will be discussed; or 2) a request to continue the hearing to mutually agreed dates for a PHC and hearing if the settlement agreement has yet to be executed.

IT IS SO ORDERED.

Dated: February 13, 2012

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings

