

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

FRESNO UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2011120458

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
TELEPHONIC STATUS
CONFERENCE

On February 14, 2012, Student filed a request to vacate the hearing dates in this matter, February 21, 22, 23, 28, 29 and March 1, 2012, because the parties have entered into a signed settlement agreement, which will be presented to the Board of the Fresno Unified School District (District) on or about February 22, 2012, for approval. The District did not submit a response.

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, 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 based on the signed settlement agreement. This matter will be set as follows:

Status Conference: February 29, 2012, at 2:00 PM

IT IS SO ORDERED.

Dated: February 15, 2012

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings