

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. 2012030858

ORDER GRANTING CONTINUANCE  
AND SETTING PREHEARING  
CONFERENCE AND DUE PROCESS  
HEARING

On May 16, 2012, the San Francisco Unified School District (District) notified the Office of Administrative Hearings (OAH) that the parties had reached a final settlement in this matter. Parents, on behalf of Student, had executed the agreement and District was in the process of obtaining signatures from its representatives. The matter is set for a prehearing conference at 1:30 p.m. on May 16, 2012. District's notification is considered a request to continue. Because Student has executed the settlement agreement, a response from Student is not necessary for OAH to consider District's request.

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) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: May 30, 2012, at 1:30 PM  
Due Process Hearing: June 5, 2012, and day-to-day thereafter

IT IS SO ORDERED.

Dated: May 16, 2012

/s/

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BOB VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings