

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GONZALES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014120198

ORDER VACATING FIRST DAY OF
EXPEDITED DUE PROCESS
HEARING

On January 20, 2015, Student's counsel informed the Office of Administrative Hearings that the parties had reached a final settlement of this matter, but were in the process of executing the settlement agreement. Student's counsel represented that based upon the settlement, the parties did not wish to proceed to hearing. This matter has both expedited and non-expedited due process hearing dates. The expedited due process hearing is set to begin at 1:30 p.m. on January 20, 2015.

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. However, for an expedited due process hearing, the hearing must be held within 20 school days of filing of the request and not continuance may be granted beyond the 20 school days. (20 U.S.C. § 1415(k)(4)(B).)

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

Granted in part. The hearing date of January 20, 2015, is vacated. This matter will be set as follows:

Expedited Hearing: January 21, 2015, at 1:00 PM and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge

All other dates in this matter remain as calendared. **As to the expedited hearing, Student must dismiss or withdraw the expedited portion of the hearing, or the hearing will commence on January 21, 2015.** The expedited hearing dates may not be continued even if the settlement agreement requires approval of Gonzales Unified School District's board. As to the non-expedited hearing, the parties may request in writing that the dates be vacated and a status conference be set if the settlement agreement requires approval of Gonzales' board. In order to request a status conference for the non-expedited portion, the parties must submit the request in writing, provide a copy of the executed signature page of the settlement agreement, and provide the date of the board meeting.

IT IS SO ORDERED.

DATE: January 20, 2015

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings