

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FONTANA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011070352

ORDER DENYING THIRD REQUEST
FOR CONTINUANCE OF DUE
PROCESS HEARING BUT
CONTINUING PHC TO FIRST DAY
OF HEARING

On January 20, 2012, the parties filed a stipulated third request to continue the hearing until April on the grounds that they had reached a settlement agreement, but had not obtained all signatures and that if executed, the settlement required school board approval on February 8, 2012.

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.) 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 denied. The parties were advised at the time of the second continuance request that further continuances would not be granted on the basis of settlement negotiations given the age of the case.

However, to accommodate obtaining signatures, the telephonic PHC shall be continued to January 30, 2012 at 1:30 p.m. and the first day of hearing will go dark. The parties shall have until Friday, January 27, 2012 at noon to either file PHC statements or a “Notice of Settlement Pending Board Approval and Request to Vacate Hearing Dates” that includes the signature pages of the agreement and the date of the board meeting at which the agreement will be discussed.

IT IS SO ORDERED.

Dated: January 20, 2012

/s/

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

