

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

STOCKTON UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010110596

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On April 8, 2011, the parties filed a request to continue the dates in this matter on the ground that assessments, agreed upon in an interim agreement, had not been completed. This matter has been continued twice. However, the parties current request is due to the delay of a third party assessor in providing the agreed upon assessment.

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, the 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.¹ All dates are vacated. This matter will be set as follows:

¹ OAH provides parties to due process hearings with a form request for continuance, which is available on OAH's website. Here, the parties chose to file a three page pleading, accomplishing what could have been accomplished with one line on OAH's form. For example, "The parties seek a further continuance because an independent educational evaluation, agreed upon in an interim agreement, has not been completed due to the unavailability of the third party assessor." In the future, the parties are encouraged to use OAH's form. However, if the parties insist upon generating a multiple page pleading, they are encouraged to go the extra step and add a signature line for OAH on their pleading. It conserves litigation costs for the parties and promotes judicial economy.

Prehearing Conference: June 15, 2011, at 1:30 PM
Due Process Hearing: June 27 – 30, 2011, starting at 1:30 PM on June 27,
2011

IT IS SO ORDERED.

Dated: April 11, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings