

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011100043

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

Student filed the complaint in this matter on September 29, 2011. On November 10, 2011, the parties informed the Office of Administrative Hearings (OAH) that they had reached an interim agreement pursuant to which Student would undergo further assessments and the parties would need to participate in an individualized education program team meeting and mediation. Four days later, after discussion amongst themselves, the parties provided OAH with proposed dates for a continuance. OAH granted the requested dates in the parties' November 14, 2011 joint request for continuance. The matter was set for a due process hearing on February 21 - 23, 2012.

On January 19, 2012, the parties filed a second joint request to continue the dates in this matter. The parties contend that they are awaiting completion of independent educational evaluations. They further assert that they require additional time for the reports to be translated into Spanish for Parents. OAH assumes that the parties knew the dates upon which the assessments would be completed when they requested the November 14, 2011 continuance. Furthermore, the fact that Parents are Spanish speaking and require documents to be translated should have been known by the parties' respective counsel in November 2011 and, in and of itself, does not constitute good cause for a further continuance. OAH is concerned that this second continuance will place the time of a decision in this matter at eight months or longer from the date of filing of the complaint.

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, 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. However, no further continuances will be granted without a showing of good cause.** All dates are vacated. This matter will be set as follows:

Mediation:	February 23, 2012, at 9:30 AM
Prehearing Conference:	March 7, 2012, at 10:00 AM
Due Process Hearing:	March 14 – 15, 2012, at 9:30 AM <sup>1</sup>

IT IS SO ORDERED.

Dated: January 20, 2012

/s/

---

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

---

<sup>1</sup> At the prehearing conference, the parties may petition the presiding Administrative Law Judge to add March 16, 2012, as a day of hearing. OAH does not initially set Fridays as hearing days.