

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GOLDEN VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012030527

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

On May 9, 2012, the parties filed a joint request to continue the dates in this matter. The parties requested that this matter, originally filed in March 2012, be continued until October 2012, on the grounds that they have an interim agreement that requires assessments of Student and a diagnostic placement. The parties have requested an extraordinarily long continuance. The Office of Administrative Hearings (OAH) assumes that the dates the parties have requested are based upon a careful calculation by the parties that they will be able to complete all requirements of their interim agreement.

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. **OAH is granting the requested dates in October 2012 on the representation from the parties that they will have fully complied with their interim agreement. Therefore, any further request for continuance will require a showing of extraordinary good cause.** This matter will be set as follows:

Prehearing Conference: September 17, 2012, at 10:00 AM
Due Process Hearing: October 8 – 11, and 15 – 16, 2012, at 9:30 AM,
except on October 8 and 15, 2012, when the hearing
shall begin at 1:30 PM

IT IS SO ORDERED.

Dated: May 10, 2012

/s/

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