

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CALAVERAS UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2011061237

ORDER DENYING REQUEST FOR
CONTINUANCE

On June 27, 2011, Student filed the Request for Due Process Hearing (complaint) in this matter. On August 17, 2011, the Office of Administrative Hearings (OAH) granted the parties' first joint request for a continuance. On October 6, 2011, the parties were granted a second joint request for continuance on the grounds that they had entered into an interim agreement for further assessments of Student. The parties informed OAH that they required 60 days to conduct the assessments and hold an individualized education program team meeting.

On January 4, 2012, the parties made a third request for continuance on the grounds that all assessments pursuant to the interim agreement had not been completed. OAH granted this request as well, however, Administrative Law Judge Deidre L. Johnson advised the parties that OAH would not grant a further continuance without a substantial showing of good cause. On February 21, 2012, the parties filed a fourth joint request for continuance. The parties assert that an assessment by the California School for the Blind will not be completed until April 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. (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:

Denied. All hearing dates and timelines shall proceed as calendared. Here, the parties state that “[i]n October 2011, the parties entered into an interim agreement authorizing multiple assessments of Student’s needs. The parties have since learned” that the assessment by the California School for the Blind will not be completed until April 2012. The parties fail to provide information, through sworn declarations or other evidence, as to when they learned that the assessment would not be completed. They further fail to provide any information of when they first requested the assessment, what delays have occurred and whether either of the parties is responsible for any of the delays. The parties have failed to establish a substantial showing of good cause. The parties may resubmit their request if they wish to provide further information to be considered in determining good cause.

IT IS SO ORDERED.

Dated: February 21, 2012

/s/

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