

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

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 on the grounds that an assessment by the California School for the Blind will not be completed until April 2012. Because the parties did not provide sufficient information to establish good cause, on April 21, 2012, OAH denied the request.

On April 22, 2012, the parties resubmitted their request. The parties attached documentation from the California School for the Blind, dated January 23, 2012, setting out the date of the assessment and the length of time it will take for issuance of a report.

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. All dates are vacated. **No further continuances will be granted without exceptional good cause.** This matter will be set as follows:

Mediation:	April 26, 2012, at 9:30 AM <sup>1</sup>
Prehearing Conference:	May 2, 2012, at 10:00 AM
Due Process Hearing:	May 14, 2012, at 1:30 PM, May 15 – 16, and 22 – 23, 2012, at 9:30 AM

IT IS SO ORDERED.

Dated: February 23, 2012

/s/

---

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

---

<sup>1</sup> The parties requested date of April 19, 2012, cannot be granted because OAH is dark that week. The parties can request an alternate date and OAH will try to accommodate them.