

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010080478

ORDER DENYING REQUEST FOR
CONTINUANCE

On May 20, 2011, the Oakland Unified School District (District) filed a request to continue the dates in this matter on the ground that Student was undergoing assessments that may provide information relevant to compensatory education. On May 25, 2011, Student filed an opposition on the ground that the assessments will be completed prior to the currently scheduled hearing dates and would not affect the hearing dates.

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:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. This matter was filed on August 9, 2010. The parties have had sufficient time to mediate this matter. District fails to provide any information on when the parties agreed to the assessments, why there has been a delay, if at all, and when the assessments will actually be completed.

IT IS SO ORDERED.

Dated: May 26, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings