

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. 2011031192

ORDER DENYING REQUEST FOR
CONTINUANCE

On November 28, 2011, the parties filed a request to continue the dates in this matter on the grounds that they required further time to complete agreed upon assessments and hold an individualized education program team meeting. The parties have proposed hearing dates in February 2012. This matter was filed on March 23, 2011. Prior continuance requests were granted on April 26 and July 6, 2011.

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 hearing dates and timelines shall proceed as calendared. This matter was filed on March 23, 2011. On May 3, 2011, the parties entered into the agreement for assessments that is the basis for the current continuance request. They assert that their chosen assessor could not start the assessments until November 30, 2011. The parties now request hearing dates that would place any written decision in this matter beyond a full year from the date of filing of this case. Clearly, this is not the intention of the speedy resolution mandate of the Individuals with Disabilities Education Act. The parties' failure, over the last six months, to wisely plan their assessments and

choose an assessor who could meet the time lines of this case is not good cause for a further continuance.

IT IS SO ORDERED.

Dated: November 29, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings