

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS GATOS-SARATOGA JOINT UNION
SCHOOL DISTRICT AND SANTA
CLARA COUNTY DEPARTMENT OF
MENTAL HEALTH.

OAH CASE NO. 2011040906

ORDER DENYING REQUEST FOR
CONTINUANCE

On May 16, 2011, the parties filed a request to continue the dates in this matter. No prior continuances have been granted

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. While OAH is inclined to grant the continuance request, OAH will not grant the requested dates. **Here, the parties have either chosen their dates in error or have failed to make themselves aware of OAH's calendaring guideline, which is available either on the OAH website or by contacting OAH.**

For example, the parties have requested mediation on June 27, 2011, a Monday. OAH does not hold mediations on Mondays. The parties have requested a prehearing conference (PHC) on July 12, 2011, a Tuesday. OAH only conducts PHCs on Mondays and Wednesdays. Finally, the parties have requested a two-day due process hearing ending on July 29, 2011, a Friday. While OAH will occasionally calendar hearings on Fridays, that is an exception determined on a case-by-case basis or by the Administrative Law Judge presiding over the PHC. This case does not present any

reason why an exception to OAH's calendaring guidelines should be considered. The parties may choose new dates, consistent with OAH's calendaring guidelines, and resubmit their request for a continuance.

IT IS SO ORDERED.

Dated: May 17, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge (acting)
Office of Administrative Hearings