

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NOVATO UNIFIED SCHOOL DISTRICT
AND MARIN COUNTY MENTAL
HEALTH SERVICES.

OAH CASE NO. 2011081106

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

On October 7, 2011, Student and the Novato Unified School District (District) filed a motion to continue the dates in this matter. This matter has not previously been continued. This matter was filed on August 26, 2011. Marin County Mental Health Services (Mental Health) has not filed an appearance in this case. Mental Health has not joined in Student and District's motion to continue.

The parties submitted a letter from Mental Health to Student dated September 1, 2011. The letter states that Mental Health does not believe it is a proper party and will not be participating in this matter, including a statement that it does not believe the Office of Administrative Hearings (OAH) has jurisdiction over it as a party. Student also submitted a declaration wherein Student's counsel's office was informed by Mental Health's counsel that it would not be participating in the case and would not agree to a continuance. On October 10, 2011, counsel for Mental Health informed OAH that Mental Health would not be appearing in this matter and will not submit anything regarding the request for continuance.

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. This matter will be set as follows:

Mediation: November 30, 2011, at 9:30AM
Prehearing Conference: December 28, 2011, at 10:00 AM
Due Process Hearing: January 9, 2012, at 1:30 PM; January 10, 11, and
17, 2012, at 9:00 AM

IT IS SO ORDERED.

Dated: October 10, 2011

/s/

BOB VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings