

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

OAH CASE NO. 2011090698

v.

LUCIA MAR UNIFIED SCHOOL  
DISTRICT AND SAN LUIS OBISPO  
COUNTY OFFICE OF EDUCATION,

---

LUCIA MAR UNIFIED SCHOOL  
DISTRICT,

OAH CASE NO. 2011070196

v.

PARENTS ON BEHALF OF STUDENT.

ORDER SETTING ADDITIONAL  
DATES FOR HEARING

On March 29, 2012, the Lucia Mar Unified School District (District) filed a request with the Office of Administrative Hearings (OAH) to set dates for hearing, in addition to the previously set date of May 3, 2012, to permit the testimony of its expert witness. The District's expert witnesses are available May 1 - 3, 2012 and the week of May 21, 2012. On April 3, 2012, the San Luis Obispo County Office of Education (SLOCOE) joined the District's request. On April 4, 2012, Student submitted a response that objected to beginning the hearing sooner than May 3, 2012, to give Parents, who are representing Student in this matter, adequate time to prepare for hearing. Additionally, Student stated that Father is not available for most of the week of May 21, 2012, as he will be out-of-state. The District and SLOCOE filed responses on April 4, 2012, that reiterated their original positions.

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. The District established the need to start the hearing before May 3, 2012, to permit the testimony of its experts, and Parents did not demonstrate that beginning the hearing a day before would prejudice them as all parties have had sufficient time to prepare, as the District's case was filed in July 2011 and Student's case in September 2011. However, the District did not establish the need for three days of hearing during the week of April 30, 2012, because the District did not demonstrate why three experts from the same agency are needed to testify, or that their testimony cannot be completed in two days. Accordingly, the matter is set as follows.

Prehearing Conference:	April 25, 2012, at 1:30 PM
Due Process Hearing:	May 2, 2012, at 9:30 AM
	May 3, 2012, at 9:00 AM
	May 7, 2012, at 1:30 PM
	May 8 – 10, 2012, at 9:00 AM

IT IS SO ORDERED.

Dated: April 5, 2012

/s/

---

PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings