

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CABRILLO UNIFIED SCHOOL
DISTRICT AND SAN MATEO COUNTY
BEHAVIORAL HEALTH AND RECOVERY
SYSTEMS.

OAH CASE NO. 2010090040

ORDER DENYING REQUEST TO
ADD DUE PROCESS HEARING
DATES

On June 9, 2011, Christian M. Knox, attorney for Student, filed a request to add additional due process hearing dates. This matter is currently set for a due process hearing on July 20, 2011. Student requests additional days of hearing on the ground that the matter will take five days to complete. On June 13, 2011, Eliza McArthur, attorney for the Cabrillo Unified School District (District) filed an opposition. District contends that its staff, who are material witnesses, will be unavailable around the time of July 20, 2011, due to the summer holiday. District also states that the parties are in the process of negotiating alternate dates for a due process hearing. The Office of Administrative Hearings (OAH) did not receive a response from San Mateo County Behavioral Health and Recovery.

When OAH sets the initial hearing date, the matter is expected to proceed day-to-day until completed, subject to a request for continuance or order by the Administrative Law Judge (ALJ) presiding at the hearing. Here, the parties did not meet and confer prior to the filing of the motion, and according to District, the parties are now meeting and conferring regarding a possible continuance. While District contends its staff will not be available to testify on July 20, 2011, a continuance request has not been filed.

There is no evidence to support altering OAH's practice of setting a hearing date and proceeding day-to-day until completion of the matter, subject to any continuance request or order from the ALJ presiding at the hearing. Accordingly, Student's motion is denied.

IT IS SO ORDERED.

Dated: June 15, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings