

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT AND SACRAMENTO
COUNTY MENTAL HEALTH.

OAH CASE NO. 2010110682

ORDER GRANTING CONTINUANCE
OF PREHEARING CONFERENCE
AND DUE PROCESS HEARING

On January 7, 2011, the parties jointly filed a request to continue the dates of the prehearing conference (PHC) and the due process hearing (DPH). The complaint was filed on November 19, 2010, and there has been no previous continuance of those dates.

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, 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, 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:

Prehearing Conference: March 16, 2011, at 1:30 PM
Due Process Hearing: March 29-31, 2011, at 9:30 AM

IT IS SO ORDERED.

Dated: January 10, 2011

/s/

CHARLES MARSON
Acting Presiding Administrative Law Judge
Office of Administrative Hearings