

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN LUIS OBISPO COUNTY MENTAL
HEALTH.

OAH CASE NO. 2011020473

ORDER GRANTING REQUEST FOR
CONTINUANCE

On March 24, 2011, Student filed a request to continue the dates in this matter based on unavailability of Student's counsel as the Office of Administrative Hearings set this matter for hearing on a date in which counsel is set for hearing in another matter. On March 25, 2011, San Luis Obispo County Mental Health (County) filed a non-opposition, but objected to Student's request to commence the hearing on May 25, 2011, as the County's counsel has a scheduled vacation.

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. Student did not establish any unavailability between April 7, 2011 and May 24, 2011, and the County is available for hearing sooner. Therefore, this matter will be set as follows:

Prehearing Conference: April 18, 2011 at 1:30 PM
Due Process Hearing: April 26 – 28, 2011 at 9:30 AM

IT IS SO ORDERED.

Dated: March 29, 2011

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings