

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SADDLEBACK VALLEY UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2011040670

ORDER DENYING MOTION TO  
CONTINUE AND TO SET TRIAL  
SETTING CONFERENCE

On June 23, 2011, the Office of Administrative Hearings (OAH) granted the District's motion for continuance of the initial hearing dates in the case, and set a prehearing conference for July 20, 2011, and a due process hearing for July 27 and 28, 2011.

On June 30, 2011, counsel for Student filed with OAH a Motion to Continue and to Set a Trial Setting Conference. The motion is based upon counsel's need to make an appearance in a Superior Court matter on July 27, 2011. The motion did not provide continuation dates that are convenient for counsel or Student. Counsel for the Saddleback Valley Unified School District has not filed with OAH a response to this motion.

OAH does not set trial setting conferences. Instead, OAH requires the parties to meet and confer, and provide to OAH mutually convenient dates for the continuance of scheduled hearing dates. At the same time, in special education administrative due process proceedings, OAH must hold a hearing and render a decision within 75 days of the receipt of a due process complaint filed by or on behalf of a child with a disability, unless a continuance is granted for good cause. (Ed. Code, §§ 56502, subd. (f) & 56505, subd. (f)(1)(C)(3).)

Here, Student has not established good cause to continue the hearing because her counsel has shown that she is unavailable for only one of the currently scheduled hearing dates. At the prehearing conference in this matter, the parties can discuss going dark the first day of the scheduled hearing in order to accommodate counsel's appearance in Superior Court. This order is made without prejudice to the parties submitting to OAH mutually convenient dates for the continuation of the hearing dates in this matter.

For the foregoing reasons, Student's Motion to Continue and to Set a Trial Setting Conference is denied.

IT IS SO ORDERED.

Dated: July 12, 2011

/s/

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TIMOTHY L. NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings