

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:
PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED
SCHOOL DISTRICT & RIVERSIDE
COUNTY DEPARTMENT OF MENTAL
HEALTH.

OAH CASE NO. 2011060230

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING TSC

On September 15, 2011, Student filed a “Motion to Confirm Hearing Date, to Add Additional Days or for Alternate Dates.” Student’s motion has been interpreted as a motion for a continuance, given that the respondents and Student cannot mutually agree on hearing dates, and Student indicated in the alternative that Student would like hearing dates between October 24, 2011 and November 18, 2011. Temecula Valley Unified School District (District) and Riverside County Department of Mental Health (DMH) both filed responses indicating that their counsel were not available on the dates suggested by Student, or each other.

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 for good cause. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); see also 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 current dates shall remain on calendar until a Trial Setting Conference is held as follows:

Trial Setting Conference: September 28, 2011 at 1:30 PM

IT IS SO ORDERED.

Dated: September 20, 2011

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings