

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

VENTURA UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2011080552

ORDER DENYING REQUEST FOR  
CONTINUANCE

On September 19, 2011, the parties filed a stipulated request to continue the matter to agreed-upon dates. However, due to the mandatory training requirement under OAH's contract with the California Department of Education, OAH is dark during the week requested for hearing. In addition, the parties requested hearing dates on Fridays, which is inconsistent with OAH scheduling policies that require hearings be set on Mondays through Thursdays only.

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 denied at this time. OAH is inclined to grant the continuance, however, almost all of the dates chosen by the parties are unavailable. The parties may resubmit the request, keeping the following in mind: 1) PHCs are on Mondays and Wednesdays only at 10:00 a.m. or 1:30 p.m.; 2) Hearings must be scheduled on Monday through Thursday only; and 3) OAH is not available the weeks of October 17-21 & 24-28, 2011 due to mandatory training. The parties may re-submit their request to continue after they have agreed upon hearing dates consistent with the above.

IT IS SO ORDERED.

Dated: September 19, 2011

/s/

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