

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SEQUOIA UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2013070612

ORDER GRANTING REQUEST FOR
CONTINUANCE OF PREHEARING
CONFERENCE ONLY

On October 18, 2013, Student filed with the Office of Administrative Hearings (OAH) a joint request to continue the prehearing conference (PHC) date in this matter based upon the parties having reached an agreement in principal and requiring time to draft a final written settlement agreement. Student's counsel represents that the District agrees with a continuance of the PHC.

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) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Granted. The PHC date is vacated. However, OAH cannot accommodate the parties' request that the PHC be calendared for October 25, 2013.¹ The only remaining PHC date between now and the hearing date, is Monday, October 21, 2013. Therefore, the PHC is continued until Monday, October 21, 2013 at 1:00 p.m. The hearing dates remain as previously calendared.

IT IS SO ORDERED.

Dated: October 18, 2013

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

¹ October 25, 2013 is a mandatory training day for OAH special education administrative law judges.