

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2014010591

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PREHEARING CONFERENCE AND  
DUE PROCESS HEARING DATES

On April 28, 2014, the parties jointly filed a request to continue the dates in this matter in order to have more time for settlement negotiations.

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. All dates are vacated. This matter was continued at the parties' request on February 25, 2014, and continued again on April 21, 2014 on the parties' representation that they needed more time to conclude settlement negotiations. No more continuances shall be granted on that ground. Any further request for continuance on any other ground shall be supported by a substantial showing based upon sworn declarations. This matter will be set as follows:

Prehearing Conference: June 6, 2014, at 10:00 AM  
Due Process Hearing: June 16, 2014, at 1:30 PM, and June 17 through 19,  
2014, starting at 9:00 AM, and continuing day to  
day, Monday through Thursday, as needed at the  
discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: April 29, 2014

/s/

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CHARLES MARSON  
Administrative Law Judge  
Office of Administrative Hearings