

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

AMADOR COUNTY UNIFIED SCHOOL
DISTRICT AND AMADOR COUNTY
OFFICE OF EDUCATION.

OAH CASE NO. 2012040962

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

On June 5, 2012, the Amador County Unified School District (“District”) and the Amador County Office of Education (County) filed a request to continue the prehearing conference in this matter on the grounds that the parties were in the process of executing a settlement agreement. The request states that Student’s counsel is in agreement with District and County’s request. This matter is set for a prehearing conference (PHC) on June 6, 2012, and due process hearing on June 14, 2012. District and County request that the PHC be continued to June 14, 2012.

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).) The Office of Administrative Hearings (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. However, OAH cannot accommodate the date requested by the parties. This matter will be set as follows:

Prehearing Conference: June 18, 2012, at 10:00 AM
Due Process Hearing: June 19, 2012, at 9:30 AM and day-to-day thereafter¹

IT IS SO ORDERED.

Dated: June 5, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings

¹ The Administrative Law Judge (ALJ) presiding at the PHC may adjust the start time of the hearing if necessary for the ALJ's travel.