

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012050285

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING

On August 23, 2012, the parties filed a joint request to continue the date for the prehearing conference (PHC) in this matter currently set for August 27, 2012, to August 29, 2012, because they are actively engaged in productive settlement discussions.

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. August 27, 2012, is vacated as the date for the PHC. This matter will be set as follows:

Prehearing Conference: August 29, 2012, at 11:00 a.m.¹ (PHC Statement are to be filed with OAH by noon on August 28, 2012.)
Due Process Hearing: September 4-6, 2012, at 1:30 p.m. on September 4, 2012, and 9:00 a.m. on September 5-6, 2012. If further days are needed, the matter shall continue day-to-day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.²

IT IS SO ORDERED.

Dated: August 23, 2012

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

¹ The assigned Administrative Law Judge, Peter Paul Castillo, is scheduled for another PHC at 10:00 a.m. on August 29, 2012.

² The scheduling order issued July 10, 2012, listed 9:30 a.m. as the start time on September 4, 2012. However, since September 3, 2012, is a legal holiday (Labor Day), the start time for the first day of hearing is being changed in this order.