

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014010553

ORDER GRANTING REQUEST FOR
CONTINUANCE OF PREHEARING
CONFERENCE

On April 4, 2014, Administrative Law Judge (ALJ) Adeniyi A. Ayoade, Office of Administrative Hearings (OAH), called Colleen Snyder, attorney for Student, and Cathy Holmes, attorney for Elk Grove Unified School District (Elk Grove), in order to convene a telephonic prehearing conference in this matter. During the telephone call, Ms. Snyder and Ms. Holmes indicated that the parties had filed a written request with OAH to continue the April 4, 2014 prehearing conference due to the fact that the parties have settled the case, and are currently circulating the written settlement agreement for signatures.¹ The parties jointly requested that the prehearing conference be continued to April 7, 2014, to provide the parties enough time to finalize their agreement.

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).)

¹ The written request to continue the prehearing conference was filed with OAH on April 4, 2014, and was received by the ALJ after the prehearing conference telephone call was initiated.

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

Granted. The preheating conference is continued and reset as follows:

Prehearing Conference: April 7, 2014 at 3:00 PM

The due process hearing dates shall remain on calendar as currently set

IT IS SO ORDERED.

DATE: April 4, 2014

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings