

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014050206

ORDER FOLLOWING PREHEARING
CONFERENCE, CONTINUING
PREHEARING CONFERENCE AND
HEARING

On July 28, 2014, a telephonic prehearing conference was held before Administrative Law Judge Rebecca Freie, Office of Administrative Hearings. Amanda Metcalf, Attorney at Law, appeared on behalf of Student. Damara Moore, Attorney at Law, appeared on behalf of San Francisco Unified School District (District). The PHC was recorded.

Based on discussion of the parties, the ALJ issues the following order:

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).)

During the PHC, Student requested a continuance of the hearing because the parties have reached an agreement in principal to resolve this matter, and are currently preparing a written settlement agreement to be signed and presented to District's Board. District did not oppose the request. The ALJ considered the request and considered all relevant facts and circumstances. The request is:

Granted. All dates are vacated.

Prehearing Conference: October 24, 2014 at 10:00 a.m.
Due Process Hearing: November 4, 2014, at 9:30 p.m., and continuing day
to day, Monday through Thursday, as needed at the
discretion of the ALJ.

IT IS SO ORDERED.

DATE: July 28, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings