

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. 2014070093

ORDER GRANTING REQUEST FOR
CONTINUANCE OF PREHEARING
AND DUE PROCESS HEARING
DATES

On December 11, 2014, the attorney for the Elk Grove Unified School District filed a request to continue the prehearing conference and due process hearing dates in this matter. The request to continue the dates, which is supported by three sworn declarations, requested that the due process hearing be continued to March 3-5, 2015 as earlier requested by both parties in a joint request for continuance filed with the Office of Administrative Hearings on December 1, 2014. On December 12, 2014, Parents filed their statement of non-opposition to Elk Grove's request to continue the dates.

A due process hearing must be conducted and a decision rendered within 45 days of receiving the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); and Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) As a result, continuances are disfavored. Good cause may include a party, counsel, or an essential witness's unavailability due to death, illness or other excusable circumstances; an attorney's substitution in the interest 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 a case such that it is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the hearing date's proximity to the request; 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).)

The request for continuance has been reviewed for good cause and all relevant facts and circumstances have been considered. Good cause is established to continue the dates in this matter, and accordingly, Elk Grove's request to continue the prehearing conference and due process hearing dates in this matter is:

Granted. The prehearing conference and due process hearing dates are continued and reset as follows:

Prehearing Conference: **February 20, 2015, at 1:00 PM**

Due Process Hearing: **March 3-5, 2015**, and continue day-to-day thereafter, Monday through Thursday, at the discretion of OAH until the hearing is concluded. The hearing shall begin at 9:00 a.m. and end at 5:00 p.m. each day, with the exception of March 3, 2015, when the hearing shall begin at 9:30 a.m., unless otherwise ordered.

DATE: December 12, 2014

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings