

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:  PARENT ON BEHALF OF STUDENT,  v.  DAVIS JOINT UNIFIED SCHOOL DISTRICT,	OAH Case No. 2014070414
DAVIS JOINT UNIFIED SCHOOL DISTRICT,  v.  PARENT ON BEHALF OF STUDENT.	OAH Case No. 2014090236  ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE

On October 28, 2014, the parties requested that the Office of Administrative Hearings continue the November 3, 2014 prehearing conference in this matter on the grounds that the parties were attempting to reach a settlement in the matter. The hearing in the matter is set to commence on November 17, 2014.

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).)

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

Granted. The November 3, 2014 prehearing conference is vacated. The prehearing conference is reset as follows:

Prehearing Conference: November 7, 2014, at 1:00 PM

All other dates remain as calendared.

IT IS SO ORDERED.

DATE: October 29, 2014

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