

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. 2014071130

ORDER FOLLOWING PREHEARING  
CONFERENCE AND GRANTING  
MOTION TO CONTINUE

On March 13, 2015, a telephonic prehearing conference was held before Administrative Law Judge B. Andrea Miles, Office of Administrative Hearings. Attorney Christian Knox represented Student. Attorney Maria Gless represented Elk Grove Unified School District. The PHC was recorded.

Based on discussion with the parties the following order is issued:

1. Motion for Continuance of Due Process Hearing: This matter is currently set for hearing March 17, 2015 through March 19, 2015 and continuing day to day as needed at the discretion of the Administrative Law Judge. At the beginning of the PHC, the parties indicated that they had filed a joint request for continuance on the morning of the PHC. At the time of the hearing, the ALJ had not just received the parties' written continuance request. The parties requested a brief continuance as they are close to executing a final settlement agreement and Student's parents have been unavailable for settlement discussions because they have been occupied with caring for Student's sibling, who recently underwent surgery.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties have established good cause to continue the due process hearing. As such, both the due process hearing and the PHC are continued. This matter will be set as follows:

Telephonic PHC:

Date: March 27, 2015

Time: 10:00 AM

Due Process Hearing:

Date: April 7 - 9, 2015 and April 13, 2015<sup>1</sup>, continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

Time: 9:30 AM on April 7, 2015, 9:00 AM on April 8 and 9, 2015, and 1:30 PM on April 13, 2015.

2. Other Matters: All other matters relevant to preparing for hearing, including clarification of issues and identification of witnesses and exhibits, will be addressed at the PHC on March 27, 2015.

3. Settlement: If the matter settles before hearing, dates for hearing will not be cancelled until a letter of withdrawal, or a request for dismissal and the signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ.

IT IS SO ORDERED.

Dated: March 13, 2015

/s/

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B. ANDREA MILES  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> The parties requested that four days be scheduled for hearing.