

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014071130

ORDER GRANTING JOINT REQUEST
TO CONTINUE PREHEARING
CONFERENCE ONLY

On March 26, 2015, Student and Elk Grove filed a joint request to continue the Prehearing Conference for this matter, which is scheduled on March 27, 2015, at 10:00 AM, to either March 30, 2015 or April 3, 2015 at 10:00 AM. Currently, the due process hearing in this case is scheduled for April 7, 8, 9, and 13, 2015. Two prior continuances were granted in this case.

The parties are requesting to continue the PHC because the parties have reached a settlement agreement and are in the process of securing all of the necessary signatures for the agreement. The parties hope to have the settlement agreement signed and the case dismissed prior to the requested continuance date, so as to avoid having to participate in a PHC which would generate additional attorneys' fees for both parties.

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).) 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).)

The parties have established good cause to continue the PHC and the motion is granted. The current PHC date is vacated. No further continuances will be granted unless

extreme good cause is shown. The dates for the due process hearing remain as previously set. The PHC will be set as follows:

Telephonic PHC:

Date: April 3, 2015

Time: 10:00 AM

IT IS SO ORDERED.

Dated: March 26, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings