

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MORGAN HILL UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014090313

ORDER GRANTING REQUEST FOR
CONTINUANCE OF PREHEARING
CONFERENCE

On October 23, 2014, Student filed a notice of settlement and request to vacate dates. However, Student acknowledged that the settlement agreement had not been signed by Morgan Hill Unified School District. The Office of Administrative Hearings will not vacate dates unless it has proof that all parties have signed a settlement agreement; accordingly, Student's request is treated as a request to continue the prehearing conference.

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 prehearing conference of October 24, 2014, is vacated. This matter will be set as follows:

Prehearing Conference: October 27, 2014, at 3:00 PM
Due Process Hearing: Remains as currently calendared

IT IS SO ORDERED.

DATE: October 24, 2014

/s/

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