

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. 2014110449

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING DATES

On January 15, 2015, the parties filed with the Office of Administrative Hearings a request to continue the hearing dates in this matter for more than 90 days, based upon having entered into an interim settlement agreement. Though the parties identified their request as an initial request for continuance, this is the second continuance request.

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. All dates are vacated. This matter has been pending since November 2014. Although the parties have established good cause for this continuance request, the parties are advised that in light of the length of this continuance, no further continuances will be granted absent a showing of exceptional good cause. This matter will be set on the dates requested by the parties as follows:

Prehearing Conference: April 20, 2015, at 1:00 p.m.

Due Process Hearing: May 5, 2015, at 9:30 a.m., May 6-7, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.¹

IT IS SO ORDERED.

DATE: January 15, 2015

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings

¹ The parties requested that the hearing begin on May 4, 2015. OAH is not available for hearing on the first Monday of the month.