

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

ELK GROVE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2014120367

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL DISTRICT.

OAH Case No. 2014110412

ORDER DENYING REQUEST FOR
CONTINUANCE OF PREHEARING
CONFERENCE

On December 23, 2014, the parties filed with the Office of Administrative Hearings a request to continue the date set for the prehearing conference in this matter, in order to allow the parties additional time to continue settlement discussions.

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:

Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. OAH calendars PHC's at least one full week prior to the hearing date to allow sufficient time to clarify issues, address any motions, and to prepare for hearing. The parties wish to continue the PHC in this matter to January 9, 2015, which is less than one week prior to the currently set hearing date of January 13, 2015. If the parties wish to continue the PHC date, they may re-submit a request to continue both the PHC and hearing dates.

IT IS SO ORDERED.

DATE: December 23, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings