

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

ELK GROVE UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015080481

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PREHEARING CONFERENCE AND  
DUE PROCESS HEARING

On August 24, 2015, the undersigned denied Student's request to continue the dates in this matter on the grounds that Student did not establish good cause. Student was allowed to resubmit the request with additional information and declarations, if Student believed good cause existed for a continuance. On August 25, 2015, Student filed a request for reconsideration of the denial, and provided a declaration from Parent, along with a letter from Parent's doctor, establishing that Parent was unavailable for hearing in this matter due to medical issues. On August 26, 2015, the Elk Grove Unified School District filed a non-opposition to Student's 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).) The Office of Administrative Hearings 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 will be set as follows:

Prehearing Conference: September 18, 2015, at 10:00 AM  
Due Process Hearing: September 29, 2015, through October 1, 2015, at  
9:30 AM, and continuing day to day, Monday  
through Thursday, as needed at the discretion of the  
Administrative Law Judge.

IT IS SO ORDERED.

DATE: August 27, 2015

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