

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015110163

ORDER PARTIALLY GRANTING
REQUEST FOR CONTINUANCE AND
VACATING FEBRUARY 24, 2016 AS
HEARING DAY

On February 18, 2016, Sacramento City Unified School District filed a request to either continue the dates in this matter or vacate February 24, 2016 as a hearing date because Sacramento is involved in another due process hearing which has already begun and which is also scheduled to convene on February 24, 2016. On February 22, 2016, Student filed a non-opposition.

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. The hearing will begin as scheduled on February 23, 2016 at 9:30 a.m.. February 24, 2016 is vacated. The hearing will resume on February 25, 2016 at 9:00 a.m. and continue on March 1, 2016 at 9:00 a.m., and continue, day to day, Monday through Thursday, at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: February 22, 2016

DocuSigned by:

Margaret Broussard

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MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings