

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

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| In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT, | OAH CASE NO. 2013090156 |
| FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT. | OAH CASE NO. 2013100621 ORDER GRANTING IN PART REQUEST FOR CONTINUANCE OF PREHEARING CONFERENCE |

On November 8, 2013, the parties filed with the Office of Administrative Hearings (OAH) a joint request to continue the date of the Prehearing Conference (PHC) based upon a conflict for the District's legal counsel with a previously scheduled mediation on the scheduled date of November 13, 2013.

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 in part. The PHC of November 13, 2013, is vacated. Due to scheduled training for administrative law judges, the parties' requested PHC date of November 15, 2013, is not available. Therefore, this matter will be set as follows:

Prehearing Conference: November 14, 2013, at 3:00 PM

IT IS SO ORDERED.

Dated: November 12, 2013

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings