

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

REDWOOD CITY SCHOOL DISTRICT.

OAH CASE NO. 2014040180

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

On May 14, 2014, the parties jointly filed a request to continue the dates in this matter on the grounds that Student's counsel, her organization's advocate, and one necessary witness are not available on the hearing date now scheduled and days immediately thereafter. The request provides adequate details of their unavailability. The parties also represent they are making progress toward settling the matter without hearing. No previous continuance has been granted.

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. The requested hearing dates of September 2-4, 2014, are well beyond 90 days from the parties' request, and good cause is not shown for an extension of that length. The hearing dates of July 14 and 15, 2014, requested in the

alternative, are not available. This matter will be set as follows, without prejudice to a later request showing good cause to set different dates:

Prehearing Conference: August 4, 2014, at 3:00 PM
Due Process Hearing: August 12, 13, and 14, 2014, 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: May 14, 2014

/s/

CHARLES MARSON
Acting Presiding Administrative Law Judge
Office of Administrative Hearings