

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROSEDALE UNION ELEMENTARY
SCHOOL DIST.

OAH CASE NO. 2014080325

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

On September 16, 2014, District filed a request to continue the prehearing conference and due process hearing dates in this matter. District attached to the request a copy of an e-mail from counsel for Student, dated September 16, 2014, by which Student's counsel stipulated to the 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).) 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. The prehearing conference and hearing dates are vacated. This matter will be set as follows. **NOTE DATES HAVE BEEN CHANGED FROM THOSE REQUESTED.**

Prehearing Conference: October 31, 2014, at 10:00 a.m.

Due Process Hearing: November 12, 2014, at 9:30 a.m., and continuing day to day thereafter, Monday through Thursday as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: September 16, 2014

/s/

ELSA H. JONES
Acting Presiding Administrative Law Judge
Office of Administrative Hearings