

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

EUREKA UNION SCHOOL DISTRICT.

OAH CASE NO. 2013010321

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING PHC

On December 13, 2013, the parties filed a “stipulation” to change the date of the prehearing conference (PHC) from December 20, 2013, to January 3, 2014. This is deemed to be a motion to continue the PHC. The parties state that they have reached an agreement in principal to settle the case, and are finalizing a written agreement. The due process hearing will not begin until January 8, 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, as well as other reasons not enumerated here. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings (OAH) considers all relevant facts and circumstances, including the proximity of the hearing date, the impact of granting a continuance on other pending hearings, and 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. This matter will be set for PHC on January 3, 2013, at 1:00 p.m.

IT IS SO ORDERED.

Dated: December 13, 2013

/s/

REBECCA FREIE

Administrative Law Judge

Office of Administrative Hearings