

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014050540

ORDER FOLLOWING PREHEARING
CONFERENCE; GRANTING
REQUEST TO CONTINUE DATES;
AND SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING DATES

On June 30, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge Adeniyi A. Ayoade, Office of Administrative Hearings. Christian M. Knox, Attorney at Law, appeared on behalf of Student (Student). Dina Harris, Attorney at Law, appeared on behalf of the Elk Grove Unified School District. The PHC was recorded. Based on discussion with the parties, the ALJ issues the following order:

During the prehearing conference, the parties represented that they have settled the case, and that a written settlement agreement was being circulated for signatures. Both parties agreed that a full/final execution of the settlement agreement is imminent, and that the prehearing conference was unnecessary as the case has settled. Accordingly, the parties jointly requested that the prehearing conference and hearing dates be continued in order to afford the parties additional time to finalize the execution of the written settlement agreement.

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 to continue the dates for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. The prehearing conference and due process hearing dates are continued and reset as follows:

Prehearing Conference: **July 7, 2014, at 3:00 PM**

Due Process Hearing: **July 14, 2014**, starting at **1:30 p.m.**, and continuing day-to-day thereafter, Monday through Thursday, at the discretion of OAH until the hearing is concluded.

IT IS SO ORDERED.

DATE: July 1, 2014

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings