

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014051093

ORDER FOLLOWING PREHEARING
CONFERENCE AND CONTINUING
PREHEARING CONFERENCE

On July 7, 2014, a telephonic prehearing conference was held before Administrative Law Judge Rebecca Freie, Office of Administrative Hearings. Nicole Jamison, Attorney at Law, appeared on behalf of Student. Cathy Holmes, Attorney at Law, appeared on behalf of Elk Grove Unified School District (Elk Grove). The PHC was recorded.

In its PHC statement Elk Grove indicated that it would like a continuance of the hearing dates in this matter in that the parties were negotiating an interim agreement. At the PHC, Student confirmed this, and agreed with Elk Grove that at the least, the PHC should be continued to July 7, 2014. The hearing in this matter is set to commence on July 17, 2014.

Based on discussion of the parties, the ALJ issues the following order:

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).)

The ALJ has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. The PHC is continued to 1:00 p.m. on July 11, 2014. The due process hearing shall remain as currently set. This matter will be set as follows:

Prehearing Conference:	July 11, 2014, at 1:00 p.m.
Due Process Hearing:	July 17, at 9:30 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: July 7, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings