

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

BELMONT-REDWOOD SHORES
ELEMENTARY SCHOOL DISTRICT.

OAH Case No. 2014060969

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

On July 28, 2014, Parent, on behalf of Student, filed a request to continue the dates in this matter on the ground that Parent needed additional time to obtain representation for Student. On July 28, 2014, the Belmont-Redwood Shores Elementary School District (Belmont) filed a non-opposition to Student's request.

Contained within Student's request for continuance was a statement concerning Student's desire to remain in a particular placement during the pendency of these proceedings. Belmont has interpreted this as request for stay put. On July 11, 2014, Administrative Law Judge Rebecca Freie ruled upon a prior request for stay put. If Student wishes to raise a new stay put motion or to seek a reconsideration of the July 11, 2014 order, Student should file a separate request. This order does not consider stay put, to the extent that Student may have raised it in the request for continuance.

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).) The Office of Administrative Hearings 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. OAH cannot accommodate dates requested by Student. This matter will be set as follows:

Prehearing Conference:	October 27, 2014, at 1:00 PM
Due Process Hearing:	November 5, 2014, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the ALJ.

IT IS SO ORDERED.

DATE: July 29, 2014

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings