

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ACALANES UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2014061192

ORDER FOLLOWING PREHEARING
CONFERENCE AND CONTINUING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On August 11, 2014, a telephonic prehearing conference (PHC) was held before Administrative Law Judge (Charles Marson, Office of Administrative Hearings. F. Richard Ruderman, Attorney at Law, appeared on behalf of Student. Amy Levine, Attorney at Law, appeared specially on behalf of Elizabeth Estes, Attorney at Law, representing the Acalanes Union High School District (Acalanes). The PHC was recorded.

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

1. Motion for Continuance. At the outset of the PHC, the parties jointly moved for a continuance of the PHC and hearing on the ground that as the result of settlement negotiations, the parties have reached an interim agreement in principle to have an independent assessment of Student conducted. They expect that the independent assessment will, at minimum, significantly alter the posture of the matter and could facilitate final settlement. They seek a continuance until December 9, 2014, to accommodate the conducting and consideration of that assessment.

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).)

Good cause appearing, the matter will be continued. All dates are vacated. The matter will be set as follows:

Mediation:	N/A
Prehearing Conference:	December 1, 2014, at 10:00 AM
Due Process Hearing:	December 9, 2014, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

2. All Other Matters Deferred to Continued PHC. All other matters are deferred to the continued PHC on December 1, 2014.

IT IS SO ORDERED.

Dated: August 11, 2014

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings