

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

PERRIS UNION HIGH SCHOOL
DISTRICT.

OAH CASE NO. 2014051181

ORDER DENYING REQUEST TO
VACATE HEARING; ORDER
GRANTING CONTINUANCE OF
HEARING FOR ONE DAY

On August 18, 2014, Student filed a request to vacate the hearing dates in this matter. According to Student's counsel, the parties are circulating a settlement agreement for signature.

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 Office of Administrative Hearings has reviewed the request for good cause and considered all relevant facts and circumstances. The request to vacate the hearing is denied.

However, in order to facilitate the parties' settlement, OAH will continue the hearing for one day. The new start date of the hearing will be August 20, 2014, at 9:30 a.m.

Unless Student files with OAH a request for dismissal of the case or proof of a fully executed settlement agreement by 3:00 p.m. on August 19, 2014, both parties should be prepared to go forward to hearing on August 20, 2014, at 9:30 a.m.

IT IS SO ORDERED.

DATE: August 18, 2014

/s/

SUSAN RUFF

Administrative Law Judge

Office of Administrative Hearings