

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

JEFFERSON ELEMENTARY SCHOOL
DISTRICT.

OAH CASE NO. 2014070567

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

On August 29, 2014, the parties jointly moved for a continuance in this matter. No previous continuance of the prehearing conference or due process hearing has been requested or granted.

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 request to continue is granted. All dates are vacated. The matter will be set as follows:

Prehearing Conference: November 17, 2014, at 1:00 PM
Due Process Hearing: December 2, 3, and 4, 2014, at 9:30 AM, and
continuing day to day, Monday through Thursday,
as needed at the discretion of the Administrative
Law Judge.

IT IS SO ORDERED.

Dated: August 29, 2014

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings