

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

SANTA ROSA CITY SCHOOLS,

v.

STUDENT.

OAH Case No. 2014040994

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
STATUS CONFERENCE

On September 9, 2014, the due process hearing in this matter commenced. On September 9, 2014, following the conclusion of the hearing for that day, Parent, on behalf of Student, filed a written communication which forms the basis of a continuance request. On September 10, 2014, Parent filed a continuance request on the same grounds as those contained in the September 9, 2014 communication.

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. This matter will be set as follows:

Status Conference: September 19, 2014, at 2:00 PM

IT IS SO ORDERED.

DATE: September 10, 2014

/s/

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