

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SEQUOIA UNION HIGH SCHOOL
DISTRICT.

OAH Case No. 2014100221

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
PREHEARING CONFERENCE

On November 21, 2014, the parties filed a joint request to continue the prehearing conference in this matter which was set for November 24, 2014. The reason given for the continuance was that the parties are in the process of negotiating an interim agreement and wish to avoid the costs they will incur if the PHC is held before the interim agreement is executed, and the matter is further continued. This is the first request for a continuance in this matter.

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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. The PHC date of November 24, 2014, is vacated. All other dates remain as currently set. The new date and time for the PHC is below:

Prehearing Conference: December 1, 2014, at 3:00 p.m.¹

IT IS SO ORDERED.

DATE: November 24, 2014

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings

¹ The parties asked that the PHC begin at 3:30 p.m. However, PHC's are normally calendared for 10:00 a.m., 1:00 p.m., and 3:00 p.m., and no reason was given for a different starting time for the PHC.