

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 REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On November 25, 2014, the parties jointly filed a request to continue the dates in this matter based upon the existence of an interim agreement in which the parties agreed to further assessments of Student and to an individualized education program team meeting at the end of January, 2014. The apparent purpose of the request is to facilitate settlement. The parties previously received a brief continuance of the prehearing conference, but have not previously sought or obtained a continuance of the due process hearing.

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. All dates are vacated. The hearing dates sought by the parties are unavailable. This matter will be set as follows:

Prehearing Conference: March 9, 2015, at 10:00 AM
Due Process Hearing: March 17 and 18, 2015, 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.

DATE: November 25, 2014

/s/

CHARLES MARSON
Acting Presiding Administrative Law Judge
Office of Administrative Hearings