

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014121009

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
MOTION TO CONTINUE

On January 12, 2015, a telephonic prehearing conference (PHC) was held before Administrative Law Judge Joy Redmon, Office of Administrative Hearings. Anne Sherlock appeared on Folsom Cordova's behalf. Mother appeared on Student's behalf and Father participated in the PHC as an observer.

Based on discussion with the parties, the ALJ issues the following orders:

Motion to Continue: Prior to the PHC convening in this matter, Student filed a motion to continue the due process hearing. The basis of the request was to obtain legal counsel and to permit Folsom Cordova time to update Student's records pursuant to Student's request. Folsom Cordova opposed the motion.

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). 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).)

Good cause was established to permit Student an opportunity to retain counsel. Parents were advised to expeditiously seek legal counsel because additional continuances to obtain counsel would not be granted.

ORDER

1. Student's Motion to Continue is granted and all dates currently set are vacated.
2. The PHC is now scheduled for Friday, April 3, 2015, at 10:00 a.m. and the due process hearing is scheduled for April 14, 2015, at 9:30 a.m., April 15, 2015, at 9:00 a.m., and day-to-day thereafter, as needed, and at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: January 12, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings