

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

EL CENTRO ELEMENTARY SCHOOL
DISTRICT; IMPERIAL COUNTY OFFICE
OF EDUCATION; IMPERIAL UNIFIED
SCHOOL DISTRICT.

OAH Case No. 2014080634

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

On December 3, 2014, Student filed an amended request for a due process hearing. The Office of Administrative Hearings issued a scheduling order, setting the case for hearing beginning on February 5, 2015, and ordering that a telephonic prehearing conference be held on January 23, 2015, at 10:00 a.m.

On January 5, 2015, the parties notified OAH that they had agreed to waive the resolution session in writing on December 12, 2014. That written waiver changed the timeline for issuance of a decision in the case, requiring OAH to advance the hearing and PHC dates. On January 6, 2015, OAH issued a new order setting the hearing to begin on January 12, 2015, and setting a telephonic PHC on January 9, 2014.

On January 8, 2015, Student filed a motion to continue the dates in this matter. Student explained that Student would not have time to prepare for hearing on the new hearings dates, and requested that OAH reinstate the older hearing dates. The respondents filed statements of non-opposition to 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); Cal. Code Regs., tit. 1, § 1020.) Normally the 45-day timeline begins to run at the end of the 30-day resolution session. (Ed. Code, § 56501.5, subd. (c).) However, if the parties agree in writing to waive the resolution session, the 45-day timeline begins to run as of the date of the signed waiver. (Ed. Code, § 56501.5, subd. (d).)

In deciding whether to grant a continuance, 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. This matter will be set as follows:

Prehearing Conference:	January 23, 2015, at 10:00 AM
Due Process Hearing:	February 5, 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: January 8, 2015

/s/

SUSAN RUFF
Administrative Law Judge
Office of Administrative Hearings