

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

EUREKA CITY UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015020974

ORDER GRANTING REQUEST FOR
CONTINUANCE OF PREHEARING
CONFERENCE

On March 9, 2015, Eureka City Unified School District filed a request to continue the prehearing conference date in this matter because the attorney for Eureka is not available on the scheduled date. Eureka has requested that the prehearing conference be moved from March 27, 2015, to March 23, 2015. Parent objected to moving the date forward.

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. The prehearing conference date only is vacated. All other dates will remain on calendar. However, the prehearing conference will not be moved forward. The prehearing conference will be set as follows:

Prehearing Conference: March 30, 2015, at 3:00 p.m.

IT IS SO ORDERED.

DATE: March 13, 2015

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings