

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2014121009

v.

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT,

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2015010431

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING REQUEST FOR
CONTINUANCE AND RESETTING
DUE PROCESS HEARING

This matter is set at present for due process hearing on April 13, 14, 15, and 16, 2015. On March 10, 2015, Folsom Cordova moved to vacate the April 16, 2015 date only, on the ground that its counsel had a conflict on that one day, as she is obligated to host a public event in Shasta County. No response has been received from Student.

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 hearing date of April 16, 2015, is vacated. The hearing shall occur on April 13, 14, 15, and 21, 2015.

IT IS SO ORDERED.

DATE: March 17, 2015

/s/

CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings