

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014070389

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
MOTION TO CONTINUE

On March 2, 2015, a telephonic prehearing conference (PHC) was held before Administrative Law Judge B. Andrea Miles, Office of Administrative Hearings. Attorney Karen Van Dijk represented the Elk Grove Unified School District. Attorney Christian Knox represented Student. The PHC was recorded.

Based on discussion with the parties and the parties' joint request for continuance of the PHC following order is issued:

1. Motion for Continuance of Prehearing Conference: This matter is set for hearing on March 9 - 12, 2015, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. At the beginning of the PHC, the parties requested to continue the PHC on grounds that the Student's attorney of record, Diane Foos, and Elk Grove's attorney of record, Kathy Holmes, were both unavailable for the PHC due to personal emergencies. The parties also indicated that they are currently engaged in settlement discussions.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties have established good cause to continue the PHC. As such, only the PHC is continued. This matter will be set as follows:

Telephonic PHC:

Date: March 6, 2015

Time: 1:00 PM

Due Process Hearing:

Date: Dates remain as previously set, March 9 - 12, 2015. The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the ALJ.

Time: 1:30 PM on March 9, 2015 and 9:00 AM each day thereafter.

Place: 9510 Elk Grove Florin Road
Elk Grove, California

2. Other Matters: All other matters relevant to preparing for hearing, including clarification of issues and identification of witnesses and exhibits, will be addressed at the PHC on March 6, 2015.

3. Settlement: Dates for hearing will not be cancelled until a letter of withdrawal, or a request for dismissal and the signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ.

IT IS SO ORDERED.

Dated: March 2, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings