

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SILICON VALLEY FLEX ACADEMY
AND EL DORADO COUNTY CHARTER
SPECIAL EDUCATION LOCAL PLAN
AREA.

OAH Case No. 2015060443

ORDER PARTIALLY GRANTING
REQUEST FOR CONTINUANCE AND
SETTING PHC DATE ONLY

On July 22, 2015, the parties filed a joint request to continue the dates in this matter. The prehearing conference is currently scheduled for July 27, 2015, and the hearing is scheduled to start on August 10, 2015. The parties have asked for a continuance because they are in the final stages of settlement and anticipate a full settlement by August 29, 2015.

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:

☒ Partially Granted. The prehearing conference dates are vacated. The parties have shown good cause to continue the prehearing conference, but not the hearing dates in this matter. The hearing will remain as previously scheduled. This prehearing conference will be set as follows:

Prehearing Conference: August 3, 2015, at 1:00 p.m.

IT IS SO ORDERED.

DATE: July 24, 2015

/s/

MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings