BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: SACRAMENTO CITY UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2015090053 ORDER GRANTING REQUEST FOR CONTINUANCE OF PREHEARING CONFERENCE AND DUE PROCESS HEARING CONCERNING THE NON-EXPEDITED ISSUE, AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING FOR THE NON-EXPEDITED ISSUE

On August 31, 2015, Sacramento City Unified School District filed a request for due process hearing asking that the Office of Administrative Hearings approve a 45-day placement of Student in an interim alternative education setting. The matter was set for an expedited due process hearing which is beginning on September 22, 2015.[1] It is anticipated that the hearing will last three days. The complaint also asked that OAH find that Student's individualized education program developed on February 5, 2015, as amended on August 10, 2015, be found to provide him with a free appropriate public education. The due process hearing concerning this non-expedited issue is currently set to begin on September 24, 2015.

On September 16, 2015, the parties filed a joint request to continue the dates for the prehearing conference and due process hearing concerning the non-expedited issue in this matter, due to the fact that parties will be engaged in the expedited hearing in this matter on the date currently set for the non-expedited case.

A due process hearing concerning non-disciplinary issues 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

[1] A parent of a child with a disability who disagrees with any decision by a school district regarding a change in educational placement of the child based upon a violation of a code of student conduct, or who disagrees with a manifestation determination made by the district, may request and is entitled to receive an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006).)

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. All dates currently set for the non-expedited issue are vacated. This matter will be set as follows:

Prehearing Conference:	October 2, 2015, at 1:00 p.m.
Due Process Hearing:	October 12, 2015, at 1:30 p.m., October 13 and 14, 2015, beginning at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: September 17, 2015

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings