BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT AND VACAVILLE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016031019 ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING DATES

On September 21, 2016, Vacaville Unified School District filed a request to continue the hearing dates in this matter, based upon the unavailability of its legal counsel on the dates currently set for hearing. This hearing is set to begin on October 5, 2016. Vacaville's counsel is representing a party in another hearing before the Office of Administrative Hearings on the same hearing dates. On September 21, 2016, Sacramento City Unified School District filed a notice of non-opposition to Vacaville's continuance request. Student did not file a response, but Vacaville's counsel filed a declaration in support of Vacaville's request representing that Student does not oppose the request.

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. Good cause exists to continue the hearing dates. The prehearing conference

date will be continued to ensure the PHC is convened close in time to the hearing. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference:	October 10, 2016, at 1:00 p.m.
Due Process Hearing:	October 18, October 19, October 20, 2016, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing will begin at 9:30 a.m., on the first day of hearing, and at 9:00 a.m., on all subsequent days.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

IT IS SO ORDERED.

DATE: September 26, 2016

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DENA COGGINS
Administrative Law Judge
Office of Administrative Hearings