

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LAFAYETTE SCHOOL DISTRICT.

OAH Case No. 2014071220

ORDER GRANTING REQUEST FOR
CONTINUANCE

On January 21, 2015, the parties filed a second joint request to continue the dates in this matter. The request indicates that Student's attorney is scheduled for another special education due process hearing on the dates currently set in this matter, has recently taken on representation of Student and requires additional time to prepare for hearing. Additionally, the parties represented that they are close to reaching an agreement on all issues.

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).)

A prior joint request for continuance was granted on October 22, 2014. The Order states that no further continuances will be granted without substantial good cause. In light of the parties' joint representation that they are close to reaching a final agreement and the unavailability of Student's counsel on the currently set hearing dates, this continuance will be granted. The parties are cautioned, however, that this case has been pending since July 2014 and no further continuances will be granted.

ORDER

1. The parties' joint request for continuance is granted.
2. Dates currently set for due process hearing are vacated.
3. Matter is now scheduled as follows:

Telephonic prehearing conference: Monday, March 9, 2015, at 10:00 AM
Due process hearing: Tuesday, March 17, 2015, from 9:30 AM-5:00 PM,
March 18-19, 2015, from 9:00 AM-5:00 PM
and day-to-day thereafter, as needed, Monday through
Thursday at the discretion of the ALJ.

IT IS SO ORDERED.

DATE: January 21, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings