

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LODI UNIFIED SCHOOL DISTRICT.

OAH Case No. 2014120609

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
MOTION TO CONTINUE

On February 23, 2015, a telephonic prehearing conference (PHC) was held before Administrative Law Judge Joy Redmon, Office of Administrative Hearings. Attorney Christian Knox appeared on Student's behalf. Attorney Colleen Villarreal appeared on Lodi's behalf. The PHC was recorded.

Motion to Continue: At the outset of the call the parties stated they had reached and executed a final settlement agreement resolving all claims in this matter. Ms. Knox stated her office would send a request for dismissal to OAH today.

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).) 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).)

Good cause was established to grant a brief continuance of the PHC to give the parties an opportunity to submit the request for dismissal to OAH in writing. Accordingly,

the PHC is continued to Friday, February 27, 2015, at 10:00 a.m. and will be vacated upon receipt by OAH of Student's request to dismiss this matter.

ORDER

1. The PHC is continued to Friday, February 27, 2015, at 10:00 a.m.
2. All other dates to remain on calendar until the matter is dismissed.

IT IS SO ORDERED.

DATE: February 23, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings