

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LANCASTER SCHOOL DISTRICT;
WESTSIDE UNION SCHOOL DISTRICT.

OAH CASE NO. 2013080208

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
DATES FOR MEDIATION,
PREHEARING CONFERENCE AND
HEARING

On December 30, 2013, the Office of Administrative Hearings (OAH) issued an order granting Student's motion for leave to file a third amended complaint (complaint) in this matter and deeming the complaint filed as of that date. On February 12, 2014, Student and Lancaster School District and Westside Union School District jointly filed a request to continue the dates in this matter, to allow Westside Union School District time to complete a pending assessment of Student, and to resolve scheduling conflicts of counsel and give the parties an opportunity to participate in mediation.

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. This is a joint and uncontested request for a continuance of the Prehearing Conference and Hearing dates initially set based on the filing of Student's Third Amended Complaint. The request is:

Granted. All dates are vacated.

Mediation:	March 12, 2014 at 9:30 AM
Prehearing Conference:	April 11, 2014 at 1:00 PM
Due Process Hearing:	April 21, 2014 at 1:30 PM first day, 9:00 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: February 13, 2014

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings