

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016010006

ORDER GRANTING REQUEST FOR
CONTINUANCE, AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On February 25, 2016, Pleasanton Unified School District filed a request to continue the prehearing conference in this matter with the Office of Administrative Hearings, based upon the parties having entered in to a settlement agreement which is awaiting approval by Pleasanton's Board of Trustees. Pleasanton's Board will review the agreement at a meeting on March 8, 2016. No written response from Student was received by OAH, and Pleasanton's request indicates that Student's counsel supported the request.

On March 3, 2016, the parties filed a request to continue the prehearing conference and the due process hearing on the grounds that needed time to draft a settlement that had been reached in principle. Both requests are considered jointly herein.

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).)

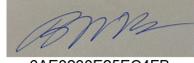
OAH has reviewed the request for continuance based on good cause and considered all relevant facts and circumstances. The request is:

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

Prehearing Conference: March 25, 2016 at 3:00 PM
Due Process Hearing: March 29 - 30, 2016, at 9:30 AM and continuing day to day at the discretion of the Administrative Law Judge presiding at the hearing

IT IS SO ORDERED.

DATE: March 3, 2016

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For

LISA LUNSFORD
Administrative Law Judge
Office of Administrative Hearings