

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. 2016020426

ORDER GRANTING MOTION TO
CONTINUE

On April 27, 2016, the parties filed with the Office of Administrative Hearings a joint request to continue this case. In the motion, the parties stated that they have reached a settlement agreement but that Pleasanton's school board must accept the agreement in closed session before it will be fully executed. The matter is scheduled to go before Pleasanton's school board on May 10, 2016, after the dates currently scheduled in this matter.

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. The request is:

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

Prehearing Conference: May 20, 2016, at 10 AM

Due Process Hearing: May 31, 2016, at 1:30 PM, and June 1 and June 2, 2016, at 9:00 AM and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

If this matter settles consistent with the representation contained in the motion to continue, the parties are requested to submit notice to OAH as soon thereafter as possible to obviate the need for the PHC in this matter.

IT IS SO ORDERED.

DATE: April 27, 2016

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Joy Redmon

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JOY REDMON
Administrative Law Judge
Office of Administrative Hearings