

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

LAKE ELSINORE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014051195

ORDER GRANTING JOINT
STIPULATION TO CONTINUE DATES
AND SCHEDULE MEDIATION

On November 20, 2014, both parties filed with the Office of Administrative Hearings a joint stipulation to continue the dates of the prehearing conference and due process hearing, and to set a mediation date, in this matter. The parties have reached an interim agreement that requires that independent educational evaluations be conducted in the areas of psycho-education, occupational therapy, functional behavior analysis, and speech and language. These evaluations have not yet been completed due to delay by the independent evaluators. Parties are requesting that the PHC be continued to January 12, 2015 and the due process hearing until January 19, 2015.

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:

The joint request is GRANTED. All dates are vacated. NO FURTHER CONTINUANCES SHALL BE GRANTED. This matter will be set as follows:

Mediation:	December 15, 2014 at 9:30 AM
Prehearing Conference:	January 12, 2015 at 1:00 PM
Due Process Hearing:	January 19, 2015 at 1:30 PM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: November 20, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings