

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LAKESIDE UNION SCHOOL DISTRICT.

OAH CASE NO. 2014120079

ORDER GRANTING SECOND  
REQUEST FOR CONTINUANCE AND  
SETTING PREHEARING  
CONFERENCE AND HEARING

On February 10, 2015, the parties filed a second stipulated request to continue the hearing dates on the ground that they wanted further time to negotiate a settlement.

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. By granting this continuance, the parties will have had more than adequate time to engage in negotiations and to prepare for hearing. This matter will be set as follows:

Mediation:	Not requested.
Prehearing Conference:	March 30, 2015 at 10:00 AM
Due Process Hearing:	April 13-15, 2015 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 10, 2015

*/s/*  
\_\_\_\_\_  
RICHARD T. BREEN  
Presiding Administrative Law Judge  
Office of Administrative Hearings