

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LUCERNE VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2015010716

ORDER GRANTING IN PART
REQUEST FOR CONTINUANCE AND
SETTING PREHEARING
CONFERENCE AND HEARING

On March 5, 2015, the parties filed with the Office of Administrative Hearings a joint request to continue the initially set dates 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 in Part. All dates are vacated. The Prehearing Conference is moved to March 30, 2015, a Monday, as OAH only schedules PHC's for Mondays and Fridays. Also, OAH cannot accommodate the April 6, 2015 hearing date due to its monthly staff meeting. This matter will be set as follows:

Prehearing Conference: March 30, 2015, at 10:00 AM

Due Process Hearing: April 7, 2015, at 9:30 AM, April 8 and 9, 2015, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The matter is now assigned to Administrative Law Judge Marian Tully.

IT IS SO ORDERED.

DATE: March 5, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings