

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS GATOS-SARATOGA JOINT UNION
HIGH SCHOOL DISTRICT.

OAH Case No. 2015080662

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

On November 12, 2015, the parties filed a joint request to continue the prehearing conference and due process hearing dates in this matter for several reasons, including that the parties are actively working to settle the case and observation at potential placements for Student are taking place this week and next week. The parties have begun settlement negotiations and are scheduled for mediation on November 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 continuance based on good cause and considered all relevant facts and circumstances. The request is:

Granted. The PHC and DPH dates are vacated. This matter will be set as follows:

Prehearing Conference: January 8, 2016 at 10:00 AM

Due Process Hearing: January 26, 2016 at 9:30 AM, January 27 and 28, 2016 at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: November 13, 2015

/s/

LISA LUNSFORD
Administrative Law Judge
Office of Administrative Hearings