

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2014030783

ORDER FOLLOWING PREHEARING
CONFERENCE CONTINUING
PREHEARING CONFERENCE ONLY

Hearing in this matter is set to begin on June 17, 2014. On June 9, 2014, a telephonic prehearing conference in this matter was convened before Administrative Law Judge Deidre L. Johnson, Office of Administrative Hearings. Attorney Scott S. Brooks appeared for Student and Parents. Attorney Colleen R. Villarreal appeared on behalf of the Rocklin Unified School District. The conference was recorded.

1. Motion for Continuance: The parties jointly requested a continuance of the prehearing conference only, based on a pending settlement of the case.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties represented that a settlement agreement has been negotiated and is in the process of being finalized and circulated for approval and signatures. In the absence of an executed settlement agreement, the hearing may not be dropped from the calendar but the prehearing conference may be continued to support the settlement process. The parties established good cause and the request is:

☒ **Granted.** The telephonic prehearing conference will be set for the following date and time:

June 13, 2014, at 10:00 a.m.

2. Other Matters: All other matters relevant to preparing for hearing, including clarification of issues and identification of witnesses and exhibits, will be addressed at the continued prehearing conference. The parties shall file prehearing conference statements by 12:00 p.m. on Thursday, June 12, 2014. The hearing dates remain as scheduled.

3. Settlement: Dates for the prehearing conference and the hearing will not be cancelled until a letter of withdrawal, or a request for dismissal with the signature page of the signed agreement has been received by OAH. If the settlement agreement has been executed but is subject to approval of the school board, the parties may file a motion for OAH to vacate the hearing dates and set a telephonic status conference for a date following board approval.

IT IS SO ORDERED.

DATE: June 9, 2014

/s/

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings