

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LANCASTER SCHOOL DISTRICT.
OAH CASE NUMBER 2021060183

ORDER FOLLOWING PREHEARING CONFERENCE
GRANTING JOINT REQUEST FOR CONTINUANCE

OCTOBER 18, 2021

On October 18, 2021, Administrative Law Judge Rommel P. Cruz, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Christopher Knauf appeared on behalf of Student. Attorney Lee Rideout appeared on behalf of Lancaster School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

CONTINUANCE

At the PHC, the parties' represented that a settlement agreement was reached, and the agreement was circulating for the parties' signatures. Student represented that Student anticipates filing with OAH a notice of settlement and request to vacate hearing dates by close of business on October 19, 2021. Parties requested a brief continuance of the hearing to allow the parties to finalize the settlement agreement.

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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (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 for a brief continuance is granted to allow the parties to finalize a settlement agreement. All dates are vacated. The PHC is rescheduled to October 22, 2021, at 1:00 PM. The hearing is continued to November 2, 3, and 4, 2021, and shall continue day to day at the discretion of the ALJ. The hearing shall begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered.

The parties shall immediately notify all potential witnesses of the hearing dates and shall subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings