

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 NUMBER 2021100407

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

JANUARY 12, 2022

On January 11, 2022, Parent on behalf of Student and Rocklin Unified School District filed with the Office of Administrative Hearings, referred to as OAH, a joint request to continue this matter, to allow the parties to finalize a settlement agreement. The parties have reached an agreement but require a short continuance to finalize the settlement agreement and obtain signatures on the document.

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 is:

Granted. All dates are vacated. The continuance request is granted as the parties established good cause for a short continuance in this matter to finalize a settlement agreement. This matter will be set as follows:

Prehearing Conference will be held on February 7, 2022, at 3:00 PM.

Due Process Hearing will be held on February 15, 2022, through February 17, 2022. The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The

hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

No further continuances shall be granted based on the parties' assurances in the continuance request.

The Prehearing Conference and Due Process Hearing will occur via videoconference using the Microsoft Teams application.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings