

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PLEASANTON UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022010423

ORDER REINSTATING DUE PROCESS HEARING DATES

MARCH 9, 2022

Student filed a due process hearing request, called complaint, naming Pleasanton Unified School District, on January 18, 2022. OAH set the matter for dual hearings based on claims in the complaint that required an expedited hearing. The expedited hearing was scheduled for February 16 and 17, 2022. OAH set the non-expedited claims for hearing on March 8 9, and 10, 2022.

On January 28, 2022, Pleasanton filed a motion to unexpedite matter, asserting that Student's complaint did not plead facts raising issues requiring an expedited hearing. Pleasanton also asserted the parties had reached a settlement of all issues and were waiting for signatures.

On February 7, 2022, the parties appeared at an expedited prehearing conference. The ALJ denied Pleasanton's motion to unexpedite on the ground that the complaint raised expedited claims and confirmed the expedited hearing dates. The ALJ also ordered the parties to file a notice of withdrawal of expedited claims as a condition for vacating the expedited hearing.

On February 8, 2022, Student filed a request to dismiss the expedited claims with prejudice and vacate the expedited due process hearing only. Student also requested to vacate dates for the unexpedited hearing pending board approval of a settlement agreement. OAH issued a Notice of Dismissal of the expedited claims and vacated the non-expedited hearing, pending board approval of the settlement agreement.

On March 1, 2022, Student filed a motion seeking to reinstate the due process hearing dates. The motion was not accompanied by a declaration from counsel. However, Student argued that Pleasanton's Board was scheduled to consider the parties' settlement agreement on February 24, 2022, that the settlement agreement was not presented to the board on that date, and therefore no pending settlement agreement existed between the parties. Student requested that the due process hearing be reinstated.

Student's motion to reinstate the non-expedited due process hearing is granted as to only the non-expedited claims in the complaint. The matter is deemed reopened on the date of this Order.

The prehearing conference is set for Monday March 14, 2022 at 3:00 p.m. The parties shall file and serve prehearing conference statements and participant information forms no later than 3:00 p.m. on March 11, 2022.

The due process hearing is scheduled for March 22, 23, and 24, 2022, beginning at 9:30 a.m. on each hearing day, and continuing day to day as determined by the hearing officer. OAH will consider a joint request by the parties to continue the matter provided it is supported with a declaration under penalty establishing good cause.

IT IS SO ORDERED.

Adrienne L. Krikorian

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Administrative Law Judge

Office of Administrative Hearings