

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

OAKDALE JOINT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024060196

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING BY VIDEOCONFERENCE GRANTING REQUEST
FOR CONTINUANCE

SEPTEMBER 9, 2024

On September 9, 2024, Administrative Law Judge Theresa Ravandi, 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.

Mother appeared on behalf of Student. Attorney Elizabeth Rho-Ng appeared on behalf of Oakdale Joint Unified School District. Associate Attorney Kalie Sepnafski and Oakdale's assistant superintendent Tracy Jakbowski also appeared. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

REQUEST FOR CONTINUANCE

At the start of the PHC, Mother indicated that she and Father had just reviewed and signed a revised settlement agreement sent one business day before the PHC. The parties were in the process of gathering all necessary signatures and requested a one-week continuance 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. (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 only 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).)

While finalizing a settlement agreement does not usually constitute good cause to continue a due process hearing, in this case the parties established good cause for a short continuance given the recent partial execution of a final settlement agreement. The request to continue is granted. All pending dates are vacated.

The PHC is scheduled for September 16, 2024, at 1:00 PM. The due process hearing will be held on September 24, 25, and 26, 2024, and 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. All appearances will be through videoconference. Any prehearing motions are due three business days prior to the PHC.

Dates for the PHC and due process hearing will not be vacated unless OAH receives Student's request to dismiss with a copy of the signature pages of the settlement agreement and confirmation of the meeting date at which Oakdale's Governing Board will consider the settlement agreement.

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings