

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROSEVILLE JOINT UNION HIGH
SCHOOL DISTRICT .

OAH Case No. 2014080829

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE OF
PREHEARING CONFERENCE AND
DENYING REQUEST TO VACATE
DUE PROCESS HEARING DATES

On February 5, 2015, the parties filed a joint request to vacate the Prehearing Conference date and the Due Process Hearing date on the grounds that they have reached a settlement agreement in principle and they are in process of finalizing that agreement. Further, the parties indicated that the finalized settlement agreement will require approval from Roseville Joint Union High School's Governing Board. In the event that the Office of Administrative Hearings denies the parties' request, the parties request to continue the Prehearing Conference to February 13, 2015 after 1:00 PM.

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. (See 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; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

The parties' request to vacate the PHC and Due Process Hearing dates is denied. OAH's policy is to vacate hearing dates and schedule settlement conferences only upon receipt of signed settlement agreements that are pending Board approval. However, the parties' request to continue the Prehearing Conference is granted in order to provide the

parties the opportunity to finalize their settlement agreement. If the parties execute a final settlement agreement which is contingent on Board approval, they may re-submit their request to vacate dates and schedule a status conference. Therefore, the PHC in this matter is continued to **February 13, 2015, at 3:00 PM**. All other dates remain as calendared.

IT IS SO ORDERED.

DATE: February 5, 2015

/s/

B. ANDREA MILES
Administrative Law Judge
Office of Administrative Hearings