

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2012010604

v.

ROCKLIN UNIFIED SCHOOL DISTRICT,

ROCKLIN UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2012020237

v.

PARENT ON BEHALF OF STUDENT.

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

On April 26, the parties filed a joint request to continue this matter on the grounds that counsel for Rocklin Unified School District has a conflict with another matter and because the parties are close to executing a final 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. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings (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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Granted. All dates are vacated. The calendaring of these consolidated cases, with multiple motions, has been a troubling exercise. **No further continuances will be granted.** This matter will be set as follows:

Prehearing Conference: May 21, 2012, at 10:00 AM
Due Process Hearing: May 29, 2012, at 1:30 PM, and May 30 – June 1,
2012 at 9:30 AM

IT IS SO ORDERED.

Dated: April 27, 2012

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings