

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. ROCKLIN UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2012010604
ROCKLIN UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2012020237 ORDER CONTINUING PREHEARING CONFERENCE

On May 18, 2012, Student filed a notice of settlement and request that due process hearing dates be vacated. Student stated that Parents and the Rocklin Unified School District (District) had both executed a final settlement agreement. However, counsel for District had been unable to forward a copy of the signatures to Student's counsel. Because the parties did not submit a copy of the signature page, the Office of Administrative Hearing (OAH) cannot vacate dates and set a status conference. However, the notice of settlement may be grounds for a continuance.

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).)

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

Granted. The prehearing conference set for May 21, 2012, is continued. This matter will be set as follows:

Prehearing Conference:	May 23, 2012, at 1:30 PM
Due Process Hearing:	May 29 through June 1, 2012, starting at 1:30 PM on May 29, 2012

IT IS SO ORDERED.

Dated: May 21, 2012

/s/

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