

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT  
AND PLACER COUNTY OFFICE OF  
EDUCATION.

OAH CASE NO. 2012031279

ORDER GRANTING REQUEST FOR  
CONTINUANCE, SETTING DUE  
PROCESS HEARING AND  
VACATING STATUS CONFERENCE

On June 29, 2012, the Office of Administrative Hearings (OAH) granted a continuance of the due process hearing in this matter, but set a status conference for July 2, 2012, to determine hearing dates. On June 29, 2012, the parties submitted agreed upon dates for the continuance. However, they represented to OAH that the dates were subject to the availability of the Rocklin Unified School District (District). In other words, the parties desired a continuance subject to the veto power of District.

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. All dates are vacated. This matter will be set as follows:

Due Process Hearing: August 13 – 16, 2012, beginning at 1:30 p.m. on  
August 13, 2012

**The due process hearing dates are not subject to the unilateral veto power of any party. Should a party have good cause for a further continuance, it may file the appropriate motion.**

The status conference set for July 2, 2012, is vacated.

IT IS SO ORDERED.

Dated: July 2, 2012

/s/

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BOB VARMA  
Presiding Administrative Law Judge  
Office of Administrative Hearings