

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROSEVILLE CITY ELEMENTARY
SCHOOL DISTRICT.

OAH Case No. 2013100142

ORDER GRANTING REQUEST TO
CONTINUE PREHEARING
CONFERENCE ONLY AND
VACATING FIRST DAY OF HEARING

On May 19, 2014, Roseville City Elementary School District (Roseville) filed a request to continue the prehearing conference (PHC) date in this matter to Friday, May 23, 2014, based upon ongoing settlement communications. Roseville represents that Student agrees to this continuance request in order to continue efforts to resolve the matter.

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 PHC is continued and the first day of hearing is vacated. This matter will be set as follows:

Prehearing Conference: May 23, 2014, at **10:00 a.m.**
Due Process Hearing: **May 28, 2014, at 1:30 p.m.**, May 29, 2014, at
9:00 a.m. and continuing day to day, Monday
through Thursday, as needed and at the discretion
of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: May 19, 2014

/s/

THERESA RAVANDI
Administrative Law Judge
Office of Administrative Hearings