

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 DENYING REQUEST FOR
CONTINUANCE

On May 30, 2012, the parties filed a stipulated motion to continue the dates in this matter, which is scheduled for hearing on June 4 through 7, 2012. The parties state they are continuing to explore settlement options and Parents would like to observe an alternative placement option. The parties request that the matter be continued to June 7 and 8 and July 2, 3, 5, and 6, 2012. The parties state that they are unable to conclude the hearing in June due to scheduling conflicts.

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:

Denied. All hearing dates and timelines shall proceed as calendared. OAH is inclined to grant a continuance if the parties provide consecutive hearing dates. It is

in no one's interest to have a hearing interrupted by a delay of close to one month before it concludes.

IT IS SO ORDERED.

Dated: June 1, 2012

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings