

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENTS ON BEHALF OF STUDENT,

v.

ROSEVILLE JOINT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024050456

ORDER DENYING REQUEST FOR CONTINUANCE

JUNE 4, 2024

On May 30, 2024, Roseville Joint Union High School District, called Roseville, filed an amended request to continue the due process hearing with the Office of Administrative Hearings, called OAH. The original request to continue was filed May 24, 2024. The hearing in this matter is currently scheduled for June 25 through 27, 2024, and this would be the first continuance. On May 30, 2024, Student opposed the request.

Roseville's request is supported by the declaration of one of the attorneys assigned to this matter, declaring the attorney is unavailable because she will be a caregiver for a family member after surgery from June 26 through July 3, 2024, and is scheduled to represent another school district in an earlier-filed case before OAH on June 25 through 27, 2024. Roseville also contends that its representative and key

witness is not available on June 25, 2024 due to a prescheduled vacation, but no sworn declaration of that representative was submitted.

Student contends that Roseville has not made a showing of good cause for a continuance and did not allow Student time to respond to Roseville's attempts to schedule mutually agreeable continuance dates.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint, unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a

reasonable opportunity to prepare for trial regarding the new party's involvement;

- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Roseville did not establish good cause to continue the due process hearing. There are two attorneys assigned to this matter as stated in the notice of representation submitted by the law firm representing Roseville. Although one attorney is unavailable, no information on the availability of the second attorney was submitted. The school district in the other matter, OAH case number 2024040426, represented by the same firm as Rosedale, has filed with OAH a joint request to continue the hearing dates to August 2024, and that other case is unlikely to go forward on the same dates as this matter, eliminating any scheduling conflict.

The unavailability of Roseville's representative and witness on June 25, 2024, was not established by a sworn declaration, and would only warrant a one-day delay in the start of the hearing.

Student's objection that Roseville did not give Student sufficient time to respond to Roseville's scheduling inquiries on May 21, 2024, by filing the original motion to continue on May 24, 2024, is moot for several reasons. The request was not ruled upon until seven business days after the original motion and three business days after the amended motion, Student did not agree to a continuance, and Student's opposition was received and considered.

The request is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.

*Alexa Hohensee*

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings