

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

TORRANCE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012070302

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MED/PHC/HRG

On July 19, 2012, Student filed a request for a continuance, which was not ruled on pending a response from District. The reason given was Student wanted time to find legal representation and was contemplating filing Student's own request for due process. On July 25, 2012, the parties filed a joint request for continuance that contained agreed dates. OAH considers the July 25, 2012 joint request to have superceded the July 19, 2012 request by Student.

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. Student's parent should use reasonable diligence in seeking an attorney, as further continuances will only be granted upon a showing of good cause. This matter will be set as follows:

Mediation:	August 29, 2012 at 9:30 AM
Prehearing Conference:	October 29, 2012 at 1:30 PM
Due Process Hearing:	November 5-8, 2012 at 1:30 PM first day, 9:00 AM after, and continuing day to day, Monday through Thursday, if needed, at the discretion of the ALJ.

IT IS SO ORDERED.

Dated: July 25, 2012

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings