

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. 2012110645

ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED;
AND CONTINUING PHC

On November 21, 2012, District filed a request for due process hearing (complaint). The Office of Administrative Hearings (OAH) calendared the matter for mediation on December 6, 2012, a pre-hearing conference (PHC) for December 12, 2012, and hearing on December 18, 2012. On December 6, 2012, the parties filed a joint request that the mediation and hearing dates in the matter be continued by approximately four months to the earliest dates when both counsel were available.

In a District-filed case, OAH is required to issue a decision within 45 days of the filing of the due process hearing request, unless a continuance is granted for good cause. (20 U.S.C. § 1415(f)(1)(B)(ii); 34 C.F.R. § 300.51; Ed. Code, § 56502, subd. (f).)

Finding good cause for a continuance, OAH on December 6, 2012 granted the parties' request and set mediation in the matter for March 19, 2013, the telephonic PHC in the matter for April 8, 2013 at 1:30 p.m., and hearing on April 22, 2013. The order granting the continuance stated that further continuances for any reason were not contemplated given the extraordinary length of the initial continuance.

District timely filed its pre-hearing conference statement on April 3, 2013. However, when the ALJ called District counsel's office on April 8, 2013 at 1:30 p.m. to commence the PHC, counsel was not available. District counsel's assistant was advised that the PHC would be continued to April 8, 2013 at 2:30 p.m. to allow time to locate District's counsel and to provide OAH a telephone number at which counsel could be reached.

No contact information for District counsel was provided before the 2:30 p.m. start time of the continued PHC. Counsel for Student appeared at both 1:30 p.m. and 2:30 p.m.

The parties are ordered to appear at a telephonic hearing on April 15, 2013 at 10:00 a.m., at which time District must show cause why the matter should not be dismissed for failure to appear at the PHC. If the District establishes good cause why the matter should not be dismissed, the matter will immediately proceed to a PHC.

IT IS SO ORDERED.

Dated: April 08, 2013

/s/

ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings