

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL  
DISTRICT AND LOS ANGELES  
COUNTY OFFICE OF EDUCATION.

OAH CASE NO. 2013060965

ORDER DENYING REQUEST FOR  
CONTINUANCE AS MOOT

On June 24, 2013, Parent on behalf of Student filed a due process hearing request (complaint) naming the Torrance Unified School District (District) and the Los Angeles County Office of Education (LACOE). On June 25, 2013, the Office of Administrative Hearings (OAH) served the scheduling order for mediation on July 31, 2013 and hearing on August 20, 2013.

On July 8, 2013, OAH, granted LACOE's notice of insufficiency and gave Student 14 days to file an amended complaint. Student filed the amended complaint on July 16, 2013, and OAH sent, on July 18, 2013, an amended scheduling order for mediation on August 20, 2013 and hearing on September 10, 2013.

On July 18, 2013, attorney Sharon A. Watt, on behalf of the District, filed a motion to continue the mediation and hearing dates based on the June 25, 2013 scheduling order due to her unavailability. Neither Student nor LACOE filed a response.

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 as the District's request is moot with the amended scheduling order. All hearing dates and timelines shall proceed as calendared as set in the amended scheduling order. Additionally, the District's motion does not contain any evidence that the parties discussed and conferred regarding new hearing dates as required by OAH. The District may re-submit the request to continue, if needed, after meeting and conferring with the other parties.

IT IS SO ORDERED.

Dated: July 24, 2013

/s/

---

PETER PAUL CASTILLO  
Administrative Law Judge  
Office of Administrative Hearings