

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. 2013090507

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On December 23, 2013, the parties filled a joint request for a second continuance of the dates in this matter so that the assessor could complete assessments and the parties could attend a mediation which was cancelled due to the unavailability of Student's counsel. The parties had previously requested and were granted a continuance of the due process hearing (DPH) until January, 21 and 22, 2014, and February 4, and 5, 2014.

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. The parties' second request only slightly modifies the timeline of the first continuance by moving the first two days of hearing to the week of the last two days set for hearing. With the new timeline, the hearing proceeds and is completed within one week. The second continuance allows the parties an opportunity to

mediate after the assessment is completed. No further continuances shall be allowed on the ground that the assessment has not been completed or reviewed by the parties, or the individual education program (IEP) team. Likewise, no further continuances shall be allowed on the ground that the parties have not attended mediation. This continuance provides the parties ample time to complete the assessment and mediate and/or settle their dispute.

Mediation:	January 21, 2014 at 9:30 a.m.
Prehearing Conference:	January 27, 2014 @ 10 a.m.
Due Process Hearing:	February 3, 2014 @ 1:30 p.m., February, 4, 5, & 6, 2014 @ 9 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: December 24, 2013

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings