

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016020246

ORDER DENYING REQUEST FOR
CONTINUANCE

On May 9, 2016, Student filed a request to continue the dates in this matter with the Office of Administrative Hearings.

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. The hearing dates are confirmed and shall proceed as calendared.

This matter was scheduled to begin today, May 9, 2016. It was originally filed in February 2016, and was continued in March to the currently-scheduled dates. It concerns assessments, and individualized education program events, that transpired in the years 2014 and 2015. This morning, prior to commencing the first day of hearing, Student filed a Notice of Interim Agreement and a Request to Continue the matter for an additional five months to October. No good cause exists for the lengthy requested

continuance. The Interim Agreement, attached to the request, provides for independent educational evaluations to occur, and an IEP team meeting to follow, and also provides that said IEP team meeting shall not occur during District's summer break. None of these stipulations has any bearing on the adjudication of the 2014-15 events at issue in this matter. The contemplated evaluations and subsequent IEP meeting may occur independently of this adjudication, and may in turn give rise to further disputes that may give rise to subsequent proceedings. In short, there is no good cause of a continuance. As the parties have been advised, the matter went dark for today only to enable them to file documents supporting the continuance request. The continuance is now denied, therefore the matter will proceed as scheduled tomorrow morning, May10, 2016, at 9:00 a.m., as scheduled.

IT IS SO ORDERED.

DATE: May 9, 2016

DocuSigned by:

June Lehrman

JUNE R. LEHRMAN

Presiding Administrative Law Judge
Office of Administrative Hearings