

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. 2012030430

ORDER DENYING REQUEST FOR  
CONTINUANCE

On March 27, 2012, the parties filed a stipulated request to continue the hearing date in this matter to September 10, 2012, based on the purported unavailability of District's counsel through the end of the school year, and the purported unavailability of District personnel during the summer. On March 28, 2012, the Office of Administrative Hearings (OAH) issued an order denying the parties' request, as the parties failed to establish good cause demonstrating why the parties required a five month continuance. Specifically, District's counsel failed to provide specific case numbers and dates of matters that prevented District's counsel from appearing prior to the end of the school year. In addition, District's counsel failed to explain why school employees would be unavailable during the summer, as they were subject to subpoena like any other witness required for hearing. The order indicated that the parties could resubmit their request if they could agree on hearing dates prior to the end of the 2011-2012 school year.

On March 30, 2012, the parties resubmitted their request for continuance, but sought the same hearing date of September 10, 2012. The request included a list of case numbers, dates, and venues of conflicts set forth in the schedule of District's counsel through the end of the 2011-2012 school. The request also reiterated that District employees and staff would not be available during summer months.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is denied. While the request established why District's counsel would not be available until the end of the school year, it failed to establish why District personnel would be unavailable during the summer, and why District would not be able to subpoena its own employees for a one-day summer hearing date. Without more, a five month continuance to September 10, 2012 is unreasonable. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. The parties may resubmit their request if they can agree on hearing dates in the summer, preferably in June or July.

IT IS SO ORDERED.

Dated: April 03, 2012

/s/

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CARLA L GARRETT  
Administrative Law Judge  
Office of Administrative Hearings