

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. 2013110447

ORDER DENYING REQUEST FOR
CONTINUANCE

On November 26, 2013, District's attorney Sharon Watt and Student's parents (Parents) filed a request to reschedule mediation and vacate the prehearing conference and hearing dates. The hearing in this District filed case is set for December 12, 2013.

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. Counsel for the District stated in a declaration under penalty of perjury that she has a scheduling conflict in another OAH matter with the December 12, 2013 hearing date in this matter. She also states that District has scheduled a resolution session in this matter with Parents on December 10, 2013. Finally, she states that, if no agreement is reached at the resolution session, the parties would like to mediate this dispute before hearing and they propose the date of February 11, 2014 for

mediation. However, the parties failed to offer mutually agreed upon dates for the pre-hearing conference and due process hearing. Instead, the parties request that OAH vacate the hearing dates without offering alternative dates. While OAH is inclined to grant the continuance, the parties did not discuss and confer regarding new hearing dates as required by OAH. Forms are available on the OAH website that explain the procedure. OAH does not vacate hearing dates causing a case to be in limbo at the will of the parties. The parties may re-submit the request to continue after they have agreed upon hearing dates. If the parties are unable to agree on hearing dates, they may request OAH to select dates.

All hearing dates currently set in this matter are confirmed.

IT IS SO ORDERED.

Dated: November 26, 2013

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings