

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. 2013120297

ORDER GRANTING DISTRICT'S
REQUEST FOR CONTINUANCE TO
DATES REQUESTED BY STUDENT
AND SETTING MEDIATION,
PREHEARING CONFERENCE AND
HEARING

On January 13, 2014, District filed a request for continuance seeking a continuance of all dates on the ground that the District's special education director was not available on the dates for hearing and that District's attorney was generally not available for hearing until May of 2014, four months after the current hearing date. On January 15, 2014, Student filed an opposition, asserting Student's right to speedy determination of issues, but acknowledging that Student would agree to a reasonable continuance in order to accommodate scheduling a mediation.

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, to the dates suggested by Student. All dates are vacated. District's request for a four month continuance of the hearing based on attorney unavailability is not reasonable when weighed against the IDEA's clear intent that hearings be conducted expeditiously. The dates suggested by Student provide ample time for District's counsel to reschedule other events if there is a conflict. This matter will be set as follows:

Mediation:	February 25, 2014 at 12:00 PM to 5:00 PM
Prehearing Conference:	March 3, 2014 at 3:00 PM
Due Process Hearing:	March 17-20, 2014 at 1:30 PM first day, 9:00 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: January 17, 2014

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings