

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. 2014010444

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

On February 11, 2014, Student filed a amended complaint and, therefore, the Office of Administrative Hearings (OAH) issued a scheduling order. On February 19, 2014, the parties filed a joint request to advance the mediation dates and to continue the prehearing conference and hearing dates. This is the first continuance following the amended complaint.

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 and considered all relevant facts and circumstances, including the parties' collaboration in agreeing upon new dates. Good cause existing therefore, the request is granted.

The mediation and hearing dates are set as follows:

Mediation: **March 13, 2014, at 9:30 AM, at Torrance USD.**

Prehearing Conference: **May 12, 2014, at 10:00 AM.**

Due Process Hearing: **May 27, 28, and 29, 2014, at 9:00 AM, except for the first day, which shall commence at 1:30 PM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing will take place at Torrance USD, 2335 Plaza Del Amo, Torrance, CA 90509. (Though a Tuesday, May 27, 2014, follows the Memorial Day Holiday of May 26, 2014.)**

IT IS SO ORDERED.

DATE: February 20, 2014

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings