

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. 2012120476

ORDER GRANTING DISTRICT'S
UNOPPOSED REQUEST FOR
CONTINUANCE AND SETTING
MED/PHC/HRG

On January 25, 2013, District filed a request to continue all dates. The reasons given were that District wished to mediate, Student had provided information that they were represented by an attorney, and that the attorney had indicated agreement to a January 30, 2013 mediation. No opposition was received.

OAH notes that as of the date of this order, a notice of representation has not been filed by any attorney purporting to represent Student. If Student intends to be represented by an attorney, a notice of representation must be filed with OAH. Accordingly, this order will only be served on Student.

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. All dates are vacated. This matter will be set as follows:

Mediation: The parties may contact OAH to request mediation on a mutually agreed date and time. Mediation is voluntary. District's request for mediation on January 30, 2013 could not be granted, given that District's motion was filed only three business days prior to the requested date.

Prehearing Conference: May 20, 2013 at 1:30 PM

Due Process Hearing: May 28-30, 2013 and June 3, 2013, at 9:30 AM first day, 1:30 on June 3, 2013, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: January 31, 2013

/s/

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