BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023060634

ORDER DENYING REQUEST FOR CONTINUANCE

SEPTEMBER 26, 2023

On September 20, 2023, parties jointly filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH.

Torrance contends the hearing should be continued because the paralegal for Torrance's counsel entered an incorrect date on the second request for continuance parties jointly filed on September 11, 2023. Torrance contends the currently scheduled dates conflict with another due process hearing.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint, unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good

cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;
- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The motion did not establish good cause to continue the due process hearing for a third time. This motion is not ripe. Moreover, Torrance did not provide any additional

information regarding the conflicted due process matter and whether it has priority over the instant case which was filed on June 19, 2023.

The request is denied without prejudice. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.

Tiffany Gilmartin
Tiffany Gilmartin (Sep 26, 2023 14:01 PDT)

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings