

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. 2014041096

ORDER FOLLOWING PREHEARING
CONFERENCE AND GRANTING
REQUEST FOR CONTINUANCE OF
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On June 9, 2014, a telephonic prehearing conference was held before Administrative Law Judge (ALJ) Eileen Cohn. Edwin Egelsee, Attorney at Law, appeared on behalf of Student. Geoffrey Winterowd, Attorney at Law, appeared on behalf of District. The prehearing conference was recorded.

Based upon the joint motion and discussion of the parties, the ALJ issues the following order:

The parties' joint request for continuance of the mediation, prehearing conference and due process hearing is granted.

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).)

The ALJ reviewed the parties' joint request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This is the parties' first continuance, and given the length of the continuance, there shall be no further continuances absent a medical or like emergency. Given the length of the continuance and the parties' stipulation to continue to the dates below, the unavailability of witnesses shall not be considered good cause for further continuances.

Mediation: August 7, 2014, 9:30 a.m.

Prehearing Conference: August 29, 2014, 1 p.m.

Due Process Hearing: September 9, 2014, 9:30 a.m., September 10 and September 11, 2014, 9 a.m.

IT IS SO ORDERED.

DATE: June 09, 2014

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings