

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

TORRANCE UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2014071042

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING DATES

On October 17, 2014, Torrance Unified School District filed a request to continue the prehearing conference and due process hearing dates in this matter, based upon the unavailability of District's special education director, who would not only be the District representative at hearing but who would also possibly be an expert witness on behalf of District. Student did not oppose the request for continuance.

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, however, in view of the length of time this case has been pending, the parties should not expect that any further continuance requests will be granted.

This matter will be set as follows:

Prehearing Conference:	February 13, 2015, at 1:00 p.m.
Due Process Hearing:	February 24-26, 2015, and continuing day to day thereafter, Monday through Thursday as needed, at the discretion of the Administrative Law Judge. The hearing will start at 9:30 a.m. on February 24.

IT IS SO ORDERED.

DATE: October 28, 2014

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings