

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. 2014080692

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

On November 13, 2014, the parties jointly filed a request to continue the dates in this matter. The initial hearing date was December 2, 2014. OAH granted the request and issued an order on November 14, 2014. The parties originally requested March 17, 2015 for a Prehearing Conference Hearing. OAH only holds PHCs on Mondays and Fridays. This Order corrects the November 14, 2014 Order as to the Prehearing Conference Hearing date, only. All other dates remain the same.

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 November 14, 2014 request for continuance for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. The parties requested dates for hearing that exceed ninety days from the original hearing, based upon pending assessments and medical issues relating to the

Student. For that reason, OAH is not inclined to grant a further continuance without a substantial showing of good cause. This matter will be set as follows:

Mediation:	March 4, 2015 at 9:30 AM
Prehearing Conference:	March 16, 2015 at 3:00 PM
Due Process Hearing:	March 24, 2015 at 9:30 a.m., March 25 and 26, 2015 at 9:00 a.m. and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

This Order supersedes the Order granting a continuance issued by OAH on November 14, 2014.

IT IS SO ORDERED.

DATE: February 23, 2015

/s/
ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings