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 GRANTING JOINT REQUEST FOR CONTINUANCE, SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

SEPTEMBER 12, 2023

On September 11, 2023, Student and Torrance Unified School District filed a joint request to continue the due process hearing with the Office of Administrative Hearings, OAH.

The parties jointly seek a continuance of the hearing from the presently scheduled hearing dates of September 26, 27, and 28, 2023, to October 24, 25, and 26, 2023, because the parties' attorneys are scheduled for hearings in other, previously scheduled due process matters.

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. (Ed. Code, § 56505, subd. (f)(3); 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 or imposing conditions on the continuance; and any other relevant fact or circumstance. (Cal. Rules of Court, rule 3.1332(d).)

Here, the parties have established good cause to continue the due process hearing. The motion reviewed the attorneys' respective calendars, with OAH case numbers for the other hearings. Counsel will be engaged in other, previously scheduled hearings, on the same dates as this matter's presently scheduled hearing. The parties will not be prejudiced by the requested, four-week continuance.

The motion is granted. This matter will be set as follows:

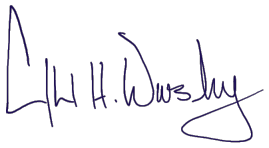
PREHEARING CONFERENCE will be held on October 16, 2023, at 3:00 PM.

DUE PROCESS HEARING will be held on October 24, 25, and 26, 2023.

The prehearing conference, and due process hearing will be held by videoconference or telephone, unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.



Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings