BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

REDONDO BEACH UNIFIED SCHOOL DISTRICT

AND TORRANCE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2019090067

ORDER GRANTING REQUEST FOR CONTINUANCE

FEBRUARY 27, 2020

On September 3, 2019, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Redondo Beach Unified School District. The Office of Administrative Hearings is referred to as OAH. On November 25, 2019, OAH granted Student's first motion to amend complaint. On January 7, 2020, Student filed a second motion to amend complaint and an amended complaint, to allege new facts and add Torrance Unified School District as an additional party.

OAH has continued this matter on October 10, 2019 and January 8, 2020. On February 20, 2020, OAH denied the parties' form continuance request as good cause not shown for a third continuance.

On February 21, 2020, filed with the Office of Administrative Hearings a request to continue this matter, based upon desire to mediated with the recently added party. Neither Redondo Beach nor Torrance filed a response.

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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Granted in part. All dates are vacated. The continuance request is granted in part as Student demonstrated good cause to mediate with the recently added party. However, Student did not establish good cause to continue this matter until May 19, 2020, as this case takes precedent over later filed cases. This matter will be set as follows:

Mediation will be held on March 13, 2020, at 12:00 Noon to 4:30 PM. The mediation will be held at Redondo Beach Unified School District, 1401 Inglewood Avenue, Redondo Beach, CA 90277.

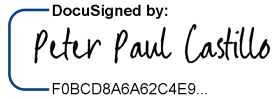
Prehearing Conference will be held on March 27, 2020, at 10:00 AM.

Due Process Hearing will be held on April 7, 2020, through April 9, 2020. The hearing shall begin at 9:30 AM the first day, and at 9:00 AM on all other days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness. Prehearing conference statements and motions are due to OAH no

later than three business days before the prehearing conference or with evidence of good cause why it was not possible to file the motion by that date.

IT IS SO ORDERED.



Peter Paul Castillo

Presiding Administrative Law Judge

Office of Administrative Hearings