BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. ANAHEIM CITY SCHOOL DISTRICT,	OAH Case No. 2016090258
ANAHEIM CITY SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016050770 ORDER GRANTING REQUEST FOR CONTINUANCE FOR DECISION ISSUANCE

On December 12, 2016, the Office of Administrative Hearings held a Telephonic Status Conference to discuss the impact of the unavailability of Administrative Law Judge Marc Levine after the conclusion of the hearing affecting the completion of the decision and available options. A further Telephonic Status Conference was held on December 13, 2016, before Presiding Administrative Law Judge Peter Paul Castillo. Phillip VanAllsburg, Attorney at Law, appeared on behalf of Student. Laurie Arrowsmith, Attorney at Law, appeared on behalf of Anaheim City School District.

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).)

On October 27 and November 1 – 3, 2016, Student and District, participated in hearing before ALJ Levine. The parties were granted a continuance of the hearing, for the submission of closing to November 21, 2016, which they submitted. The decision due date in this matter is December 27, 2016. At the December 13, 2016 TSC, the parties discussed various options of a continuance, reassigning the decision to another ALJ or conducting a new hearing, and they agreed to a continuance to permit ALJ Levine to complete the decision. Therefore, this matter is continued the decision due date is now January 20, 2017.

IT IS SO ORDERED.

DATE: December 14, 2016

DocuSigned by:
Peter Paul Castillo
F0BCD8A6A62C4E0...

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings