BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

COLTON JOINT UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2019090121

ORDER SETTING TELEPHONIC STATUS CONFERENCE

On October 29, 30, and 31, 2019, Student and Colton Joint Unified School District, participated in hearing before Administrative Law Judge Judith Pasewark. The parties were granted a continuance of the hearing, for the submission of closing briefs to November 12, 2019, which the parties timely submitted, and for the record to close on November 25, 2019, to permit the translation of Colton's closing brief for Parents. The decision due date in this matter is December 17, 2019. After the completion of the hearing, ALJ Pasewark had a family medical emergency. Accordingly, a telephonic trial status conference is required to discuss the impact of the family medical emergency on the completion of the decision.

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).)

Therefore, a Telephonic Status Conference will be held with Presiding Administrative Law Judge to discuss how this case shall proceed with the parties. Parties are requested to submit to OAH by 5:00 p.m. on December 5, 2019, their preference as to various options, such as four-week continuance for ALJ Pasewark to complete the

decision, reassigning the decision to another ALJ, or conducting a new hearing. The Telephonic Status Conference is set forth below:

Trial Setting Conference will be at December 9, 2019, at 11:00 AM. OAH shall initiate the phone call for the Telephonic Status Conference.

IT IS SO ORDERED

DocuSigned by:
Peter Paul Castillo
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DATED: December 02, 2019

Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings