BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2019020637
CAPISTRANO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019011184 ORDER GRANTING REQUEST FOR CONTINUANCE FOR DECISION ISSUANCE

On June 24, 2019, the Office of Administrative Hearings issued an Order Setting Telephonic Status Conference before Presiding Administrative Law Judge Peter Paul Castillo on June 28, 2019, to discuss the impact of a family medical emergency regarding Administrative Law Judge Judith Pasewark after the conclusion of the hearing on the completion of the decision. Parent appeared on behalf of Student. Daniel Harbottle, Attorney at Law, appeared on behalf of Capistrano Unified School District. The TSC was recorded.

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 May 14, 15, 16, 21, 22, and 23, 2019, Student and Capistrano participated in hearing before ALJ Pasewark. The parties were granted a continuance of the hearing, for the submission of closing to June 10, 2019. The decision due date in this matter is July 1, 2019. At the TSC, the parties discussed various options of a continuance, reassigning the decision to another ALJ or conducting a new hearing, and then agreed, after Parent expressed her general disapproval as to the delays in this matter coming to hearing and the decision issuance, to a continuance to July 15, 2019, to permit ALJ Pasewark to complete the decision. Therefore, this matter is continued until July 15, 2019, for issuance of the decision in this matter.

IT IS SO ORDERED.

DATE: June 28, 2019

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings