

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

VICTOR VALLEY UNION HIGH SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2021070206

ORDER FOR WRITTEN CLOSING BRIEFS

SEPTEMBER 22, 2021

On September 21, 2021, a due process hearing was held virtually using the Microsoft Teams application with both parties present. Parent represented Student and Jack Clark, Attorney at Law, represented Victor Valley Union High School District. Dr. Margaret Akinnusi appeared on behalf of Victor Valley. After Victor Valley presented its case-in-chief, Parent requested for the hearing end early and for the matter to be continued to the next day for Parent to present their opening statement and case-in-chief. Parent's request was granted and the matter was continued to 9:30 a.m. on September 22, 2021.

On September 22, 2021, prior to hearing, Parent twice contacted the Office of Administrative hearings, referred to as OAH, via telephone to report that Parent was not available to attend the hearing based upon a family emergency. No written request for

a continuance was submitted. Parent provided OAH a telephone number for the purpose of calling them back. There is no mechanism by which a party can independently be relieved of an obligation to appear at an ongoing hearing by calling OAH. The Order Following Prehearing Conference specified that the matter would proceed day to day at the discretion of the Administrative Law Judge, ALJ. OAH contacted both parties prior to hearing to advise that both parties were required to appear at 9:30 a.m.

Victor Valley appeared for hearing and Parent was not present. The undersigned informed Victor Valley of the information Parent provided to OAH. The ALJ initiated a telephone call to Parent using the Microsoft Teams application with Victor Valley present. Parent did not answer the telephone call at the number provided. The matter was continued until 10:00 a.m. to allow Parent to join the hearing. The hearing reconvened at 10:00 a.m. and the ALJ initiated another call to Parent within the virtual hearing room with Victor Valley present. Parent did not answer the telephone. Victor Valley is the petitioner in this matter. Victor Valley requested the matter proceed. As no request for continuance was submitted in writing by Parent, and Parent failed to appear at the hearing or answer the ALJ's on-record attempts to reach Parent, Victor Valley's request for the hearing to proceed was granted. The ALJ and Victor Valley reviewed the evidence admitted during the hearing. Victor Valley requested that the matter be continued to September 28, 2021 for written closing briefs. Victor Valley's request was granted.

ORDER

1. Parties may simultaneously file written closing briefs due by 5:00 p.m. on September 28, 2021.
2. The format of the closing brief shall be written on 8.5 x 11-inch paper, in blue or black ink or typed in 12-point font, double-spaced, the pages shall be numbered, and not longer than six pages
3. The matter is continued until September 28, 2021 at 5:00 p.m., to submit the written briefs.

IT IS SO ORDERED.

Marlo Nisperos

Marlo Nisperos

Administrative Law Judge

Office of Administrative Hearings