

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

BEVERLY HILLS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021040512

ORDER GRANTING REQUEST FOR CONTINUANCE
FOR DECISION ISSUANCE

OCTOBER 18, 2021

On October 14, 2021, the Office of Administrative Hearings, known as OAH, issued an Order Setting Telephonic Status Conference before Presiding Administrative Law Judge Peter Paul Castillo, scheduled for October 18, 2021, at 4:00 PM, to discuss the impact of a death in the family regarding Administrative Law Judge Judith Pasewark after the conclusion of the hearing on the completion of the decision. On October 18, 2021, both Student and Beverly Hills Unified School District submitted statements as to their preference that the matter be continued two weeks to permit ALJ Pasewark complete the decision in this matter.

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 August 17, 18, 18, 24, 26 and 31, 2021 and September 1, 2, and 9, 2021, Student and Beverly Hills participated in hearing before ALJ Pasewark. The parties were granted a continuance of the hearing, for the submission of closing briefs to October 5, 2021, and reply briefs on October 12, 2021, which the parties timely submitted. The decision due date in this matter is November 1, 2021. After the completion of the hearing and receipt of briefs, ALJ Pasewark had a death in the family. In their responses to the Order Setting Status Conference, the parties both expressed their preference for a two week continuance on the issuance of the decision to permit ALJ Pasewark to

complete the decision. Therefore, this matter is continued until November 15, 2021, for issuance of the decision in this matter. The Status Conference at 4:00 PM on October 18, 2021, is vacated.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo

Presiding Administrative Law Judge

Office of Administrative Hearings