

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 SETTING TELEPHONIC STATUS CONFERENCE

OCTOBER 14, 2021

On August 17, 18, 18, 24, 26 and 31, 2021 and September 1, 2, and 9, 2021, Student and Beverly Hills 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 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. Accordingly, a telephonic trial status conference is required to discuss the impact of the death in the family 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. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings 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).)

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 Noon on October 18, 2021, their preference as to various options, such as two-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: October 18, 2021, at 4:00 PM. OAH shall initiate the phone call for the Telephonic Status Conference.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo

Presiding Administrative Law Judge

Office of Administrative Hearings