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 GRANTING REQUEST FOR CONTINUANCE FOR DECISION ISSUANCE

On December 2, 2019, the Office of Administrative Hearings, known as OAH, issued an Order Setting Telephonic Status Conference before Presiding Administrative Law Judge Peter Paul Castillo on December 9, 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. Jim Sanft, Attorney at Law, appeared on behalf of Colton Joint Unified School District. The Telephonic Status Conference 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. (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).)

On October 29, 30, and 31, 2019, Student and Colton participated in hearing before ALJ Pasewark. The parties were granted a continuance of the hearing, for the submission of closing to November 12, 2019, and the record to remain open until November 25, 2019, for OAH to translate Colton's closing brief for Parents. Colton timely submitted its closing brief and Student did not submit a closing brief. OAH translated Colton's closing brief for Parents. The decision due date in this matter is December 17, 2019.

At the Telephonic Status Conference, the parties discussed various options of a continuance, reassigning the decision to another ALJ or conducting a new hearing. The parties agreed to a continuance to January 16, 2020, to permit ALJ Pasewark to

complete the decision. Therefore, this matter is continued until January 16, 2020, for issuance of the decision in this matter.

IT IS SO ORDERED.

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Peter Paul Castillo
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DATED: December 09, 2019

Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings