BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT AND COMMUNITY ROOTS ACADEMY.	OAH Case No. 2016020288
CAPISTRANO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016010119 ORDER GRANTING DISTRICTS' MOTION FOR CONTINUANCE

PROCEDURAL BACKGROUND

The hearing in this matter concluded on June 24, 2016. The Administrative Law Judge granted the parties' request to continue the matter for the filing of written closing briefs. Districts timely filed their brief on July 18, 2016. Student timely filed his brief on August 1, 2016. Still pending is Districts' reply brief, which is presently due to be filed no later than August 8, 2016.

Concurrent with his closing brief, Student filed a request that the ALJ take official notice of a July 26, 2016 Press Release from the United States Department of Education concerning the rights of students with ADHD and the obligations to them by their school districts, under Section 504 of the Rehabilitation Act of 1973 (Section 504).

On August 3, 2016, Districts filed a motion to strike the portions of Student's closing brief that requested remedies that were neither detailed in Student's due process complaint nor presented at hearing. Districts also moved to strike Student's request for official notice on the grounds that the Office of Administrative Hearings does not have jurisdiction over issues dealing with Section 504.

DISCUSSION

Student's response to Districts' motions to strike is not due until August 8, 2016, the same day that Districts' reply brief is due. Until OAH receives a reply from Student, or permits him the time to file it, it would be inappropriate to rule on Districts' motions. Districts' have shown good cause for the requested continuance. In order to give Student time to file a reply should he choose, and Districts' appropriate time to address the issues in their reply brief, Districts' motion to continue the due date for their reply brief is granted. Districts' reply brief is now due by 5:00 p.m. on Monday, August 15, 2016.

Upon review of any response Student may file addressing Districts' motions to strike, the ALJ shall determine whether to issue a separate order granting or denying the motions, or whether to address them in her decision in this case.

The parties are reminded that the timeline for a decision in this case will be readjusted based upon this order granting Districts' motion to continue the due date for their reply brief.

IT IS SO ORDERED.

DATE: August 4, 2016

DocuSigned by:
Darrell Lepkowsky
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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings