BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2019020637
CAPISTRANO UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019011184 ORDER SETTING TELEPHONIC STATUS CONFERENCE

On May 14, 15, 16, 21, 22 and 23, 2019, Student and Capistrano 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 June 10, 2019, which the parties timely submitted. The decision due date in this matter is July 1, 2019. After the completion of the hearing, ALJ Pasewark had a family medical emergency. Accordingly, a telephonic trial status conference is required to discuss the impact of the family medical emergency 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 5:00 p.m. on June 27, 2019, 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:	June 28, 2019, at 11:00 AM. OAH shall initiate the phone call for the Telephonic Status Conference.[1]

IT IS SO ORDERED.

DATE: June 24, 2019

DocuSigned by:
Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings

[1] OAH may issue an order in lieu of the Telephonic Status Conference if the parties agree as to how this case shall proceed.