BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. DEL MAR UNION SCHOOL DISTRICT,	OAH Case No. 2018020023
DEL MAR UNION SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018070786 ORDER SETTING TELEPHONIC STATUS CONFERENCE

On August 28, 29, 30, September 4, 5, 6, 12, 13, and 14, 2018, Student and Del Mar Union School District, participated in hearing before Administrative Law Judge Darrell Lepkowsky. The parties were granted a continuance of the hearing, for the submission of closing and reply briefs to October 15, 2018. The decision due date in this matter is November 20, 2018. After the completion of the hearing, ALJ Lepkowsky 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 November 1, 2018, their preference as to various options, such as two week continuance for ALJ Lepkowsky 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:	November 2, 2018, at 4:00 PM. OAH shall initiate the phone call for the Telephonic Status Conference.[1]

IT IS SO ORDERED.

DATE: October 29, 2018

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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.