BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
MENIFEE UNION SCHOOL DISTRICT,	OAH Case No. 2018041172
v.	ORDER GRANTING REQUEST FOR CONTINUANCE FOR DECISION ISSUANCE
PARENT ON BEHALF OF STUDENT.	

On August 9, 2018, the Office of Administrative Hearings issued an Order Setting Telephonic Status Conference before Presiding Administrative Law Judge Peter Paul Castillo on August 13, 2017, to discuss the impact of a medical emergency regarding Administrative Law Judge Deborah Myers-Cregar after the conclusion of the hearing on the completion of the decision. Parent appeared on behalf of Student. Cynthia Vargas, Attorney at Law, appeared on behalf of Menifee Union School District. The TSC 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. (See 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; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

On May 22, 23, 24, 30, June 12, 13, and 14, 2018; and telephonically on June 26, 2018, Student and Menifee participated in hearing before ALJ Myers-Cregar. The parties were granted a continuance of the hearing, for the submission of closing and reply briefs to August 9, 2018. The decision due date in this matter is August 20, 2018. At the TSC, the parties discussed various options of a continuance, reassigning the decision to another ALJ or conducting a new hearing, and then agreed to a continuance to September 28, 2018, to permit ALJ Myers-Cregar to complete the decision. Further, the parties agreed that ALJ Myers-

Cregar would rule on Student's Motion to Strike Menifee's Reply Brief upon her return. Therefore, this matter is continued until September 28, 2018, for issuance of the decision in this matter.

IT IS SO ORDERED.

DATE: August 15, 2018

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