BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

V.

CUPERTINO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026010399

ORDER FOLLOWING NON-EXPEDITED PREHEARING CONFERENCE, GRANTING REQUEST FOR CONTINUANCE

FEBRUARY 23, 2026

On February 23, 2026, Administrative Law Judge Clifford H. Woosley, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Father appeared on behalf of Student. Jennifer Nix appeared on behalf of Cupertino Union School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

STUDENT'S MOTION TO CONTINUE

The hearing on the non-expedited issues is set for March 3, 4, and 5, 2026. On February 19, 2026, Student filed a motion to continue the hearing. Student seeks a continuance to April 28 to 30, 2026. Cupertino does not oppose the request for continuance, but its counsel is unavailable on these dates because of a conflict with a hearing in another, older due process matter.

APPLICABLE LAW

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; or
- whether the interests of justice are served.

DISCUSSION

Student requested the continuance of the hearing on the non-expedited matters of Student's complaint. Parent said in Student's motion that Parent will be involved in legally related matters throughout next month. Also, the hearing on the expedited issues recently concluded and both parties are awaiting the expedited decision's issuance. Cupertino is not opposed to a continuance after March 2026. This matter's non-expedited hearing has never been continued.

Student has demonstrated good cause and Student's request for continuance is granted. All dates are vacated, and the non-expedited issues of Student's complaint will proceed as follows:

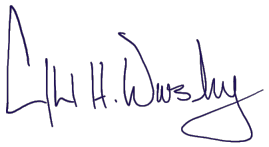
PREHEARING CONFERENCE will be held on April 13, 2026, at 3:00 PM.

DUE PROCESS HEARING will be held on April 21, 22, and 23, 2026.

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than

three business days before the prehearing conference or with a showing of good cause why it was not timely filed.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings