BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

OJAI UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025070706

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING

AUGUST 1, 2025

On July 29, 2025, Student filed an amended request for continuance with the Office of Administrative Hearings, OAH. Student requests a continuance based on the unavailability of Student's counsel on the currently scheduled dates for hearing. Student's request was supported by her counsel's sworn declaration establishing his representation in a due process hearing in a case filed before this matter, and scheduled for hearing on the same dates. On July 30, 2025, Ojai Unified School District opposed Student's continuance request asserting that Student's conflicting case may settle, disagreeing with Student's requested dates, and claiming the request for continuance would prejudice Ojai by delaying its provision of a FAPE to Student. On August 1, 2025, Student filed a reply.

OAH must conduct a due process hearing and issue a decision within 45 days of receiving the due process complaint, unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Resolving the due process hearing quickly is legally required. Hearings may only be continued if "good cause" is established. (Ed. Code, § 56505, subd. (f)(3).) OAH is guided by the Administrative Procedure Act and the California Rules of Court when ruling on continuance motions. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;
- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Student established good cause to continue the due process hearing due to Student's counsel's unavailability. Previously filed cases filed with OAH proceed to hearing before later filed cases when hearing dates conflict.

The request is granted, but not for the length of time requested. Student's request to continue the matter to September 16, 2025, is based on Student's counsel's speculative time estimates for the length of the conflicting hearing, and assertion that another previously filed case, currently scheduled for hearing on August 26, 2025, necessitates a further three-week delay in hearing for the current matter. However, as Ojai points out in its opposition, there is a pending unopposed motion for continuance in that matter. Accordingly, a brief continuance is granted. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on August 18, 2025, at 3 PM.

DUE PROCESS HEARING will be held on August 26, 27, and 28, 2025.

The mediation, prehearing conference, and due process hearing will be held by videoconference or telephone, unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, 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. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings