BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

RESCUE UNION SCHOOL DISTRICT AND CENTER JOINT UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025040092

ORDER GRANTING JOINT REQUEST FOR CONTINUANCE OF DUE PROCESS HEARING

APRIL 29, 2025

On April 1, 2025, Parents on behalf of Student filed a request for due process hearing with the Office of Administrative Hearings, called OAH, naming Rescue Union School District and Center Joint Unified School District, called Center. The prehearing conference is scheduled for May 12, 2025, at 10:00 a.m., and the due process hearing is scheduled for May 20 through 22, 2025.

On April 28, 2025, the parties filed a joint request for continuance of the due process hearing because Center's attorney of record is unavailable for hearing due to a

preplanned vacation and family event. The joint request for continuance was supported by a declaration under penalty of perjury by Center's attorney of record.

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).)

The parties established good cause to continue the due process hearing. The unavailability of Center's attorney of record due to a preplanned vacation constitutes good cause for a five-week continuance of this matter. Further, no previous continuances have been granted. Accordingly, the joint request for continuance is granted. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on June 13, 2025, at 1:00 p.m.

DUE PROCESS HEARING will be held on June 24, 25, and 26, 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 a.m. on all days, and generally end at 3:30 p.m., 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.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings