BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

HUNTINGTON BEACH CITY SCHOOL DISTRICT.

OAH CASE NUMBER 2025080025

ORDER GRANTING JOINT REQUEST FOR ONE-DAY CONTINUANCE OF DUE PROCESS HEARING

DECEMBER 1, 2025

On November 25, 2025, Parents on behalf of Student and Huntington Beach City School District filed with the Office of Administrative Hearings, called OAH, a joint request to go dark on the first scheduled day of the due process hearing, December 2, 2025, due to the unavailability of counsel. Huntington Beach's counsel is currently scheduled to appear in a due process hearing in another matter that has already begun, OAH case number 2025030050, which is expected to last through December 2, 2025. OAH interprets the request as a joint motion for a one-day continuance of the due process hearing.

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 for one day due to the unavailability of Huntington Beach's counsel on December 2, 2025. The parties stipulated they were both ready to commence the due process hearing on December 3, 2025.

The request is granted. All previously scheduled dates are vacated.

DUE PROCESS HEARING will be held on December 3, 2025, through December 4, 2025.

The 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.

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.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings