BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ALHAMBRA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025101049

# ORDER GRANTING REQUEST FOR CONTINUANCE OF DUE PROCESS HEARING

DECEMBER 15, 2025

On October 27, 2025, Student filed a request for due process hearing, called a complaint, naming Alhambra Unified School District with Office of Administrative Hearing. Alhambra Unified School District is called Alhambra. The Office of Administrative Hearings is called OAH.

On November 18, 2025, Student filed a first amended complaint pursuant to OAH's order determining the complaint insufficient. On November 19, 2025, OAH issued a scheduling order with the prehearing conference for December 29, 2025, at 3:00 PM and the due process hearing to commence on January 6, 2026.

On December 2, 2025, Alhambra filed a request to continue the due process hearing. On December 4, 2025, Student filed an opposition to the request for a continuance.

Alhambra contends the hearing should be continued because Alhambra's attorney of record will be unavailable from December 29, 2025, through January 9, 2026, because of pre-planned international travels. Alhambra's attorney proposes a continuance for January 27, 28, and 29, 2026.

Alhambra also contends it will be prejudiced if another attorney of its firm is assigned to this case due to the long procedural history between the parties. In July 2025, Alhambra filed a complaint in OAH case No. 2025071155, naming Student. Subsequently, on October 6, 2025, OAH dismissed the earlier filed case.

Student opposes the continuance because Alhambra does not have good cause to continue. Also, Student contends a continuance will delay Student's ability to receive special education and services due to the long procedural history between the parties.

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).)

Here, Alhambra's attorney will be unavailable due to the pre-planned international travels beginning December 29, 2025, through January 9, 2026. Moreover, Alhambra's attorney is a member of law firm. Due to the long substantive and procedural history between the parties, another attorney of the firm will not have a reasonable opportunity to prepare for trial should the hearing commence on the currently scheduled dates. Since this is the parties' first continuance and the continuance is short in duration, Student will not be prejudiced if the motion is granted. Therefore, the Alhambra established good cause to grant the continuance under these

circumstances and the motion is granted. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on January 12, 2026, at 3:00 PM.

DUE PROCESS HEARING will be held on January 27, 28, and 29, 2026.

The 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.

Thanayi Lindsey
Thanayi Lindsey (Dec 15, 2025 12:50:06 PST)

Thanayi Lindse
Administrative Law Judge
Office of Administrative Hearings