BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MT. DIABLO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025080498

ORDER DENYING JOINT REQUEST FOR CONTINUANCE

DECEMBER 17, 2025

On December 15, 2025, Parents on behalf of Student, and Mt. Diablo Unified School District filed with the Office of Administrative Hearings, called OAH, a joint request to continue the due process hearing. The parties filed a declaration by Attorney Jennifer Nix in support of the request.

The parties contend good cause exists to continue the hearing because Mt. Diablo Unified's attorney is currently engaged in another hearing in OAH case number 2025110210. OAH case number 2025110210 is an expedited matter, scheduled to proceed on December 17, 2025, and January 6 and 7, 2026. Attorney Nix anticipates the expedited hearing will proceed through January 2026. The parties represent additional conflicts by their attorneys during the first two weeks of February 2026.

Therefore, the parties seek to continue the hearing in this matter to February 18 and 19, 2026.

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 request failed to establish good cause to continue the hearing because the parties did not establish why the hearing in this matter cannot proceed on December 23 and 24, 2025. Any additional hearing dates can be scheduled to take into consideration any conflicts with the expedited hearing in OAH case number 2025110210, and to accommodate the availability of the parties and the attorneys. Accordingly, the joint request for continuance is denied, and the hearing will proceed as calendared.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings