BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024100129

ORDER DENYING SECOND REQUEST FOR CONTINUANCE

DECEMBER 23, 2024

On October 3, 2024, Parent on behalf of Student filed a request for a due process hearing with the Office of Administrative Hearings, called OAH, naming San Diego Unified School District, called San Diego. On November 5, 2024, OAH granted the parties' first joint request for a mediation and continuance of the prehearing conference and due process hearing. On December 12, 2024, the parties participated in a mediation. On December 19, 2024, the parties submitted a second joint request for a mediation and continuation of the prehearing conference and due process hearing. The parties did not offer any good cause to support their request for a second mediation and further continuance of the matter.

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 did not establish good cause to continue the due process hearing. The parties failed to include any information or arguments to support their request. Additionally, the parties requested a continuance of the due process hearing to March 11, 2025, through March 13, 2025. In the event the parties intend to file a new request, please note that OAH is not convening due process hearings on March 11, 2025, through March 13, 2025, due to statewide training for administrative law judges.

The request is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings