BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

NEW HAVEN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025041199

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

JUNE 19, 2025

On April 25, 2025, Student filed a Due Process Hearing Request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming New Haven Unified School District. On May 8, 2025, OAH determined Student's complaint was partially sufficient and afforded Student the opportunity to amend the complaint. On May 12, 2025, Student filed an amended complaint and OAH issued a new scheduling order setting a prehearing conference for June 23, 2025, at 3:00 PM and the due process hearing for July 1, 2025.

On May 22, 2025, the parties jointly requested a mediation on June 23, 2025, from 1:30 PM to 5:00 PM. On May 23, 2025, granted the parties' request.

As the calendar became clear in mid-June, it was discovered the parties had requested a mediation that directly conflicted with the date and time of the prehearing conference. The two events cannot be held simultaneously by separate Administrative Law Judges, nor can one Administrative Law Judge serve as both a confidential mediator and tryer of fact. Any attempt to convene two events on the same date at the same time would be an inefficient use of judicial resources.

OAH therefore construes the parties' request for a mediation that conflicts with the date and time set for the prehearing conference as a request to continue the prehearing conference and due process hearing to afford the parties the opportunity to mediate.

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).)

Good cause exists to continue the due process hearing by one week for the opportunity to mediate the case. All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on June 23, 2025, 1:30 PM to 5:00 PM.

PREHEARING CONFERENCE will be held on June 30, 2025, at 3:00 PM.

DUE PROCESS HEARING will be held on July 8, 9, and 10, 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 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.

Kara Hatfield

Kara Hatfield
Administrative Law Judge
Office of Administrative Hearings