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 2025060347

ORDER GRANTING REQUEST FOR MEDIATION AND CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE AND HEARING

SEPTEMBER 25, 2025

On June 6, 2025, Student filed a request for a due process hearing with the Office of Administrative Hearings, OAH, naming San Diego Unified School District. On July 10, 2025, OAH granted the parties' joint request for mediation on August 22, 2025, and continuance of hearing to October 14, 15, and 16, 2025. On August 19, 2025, Student filed a request to delay the start time for the mediation, which OAH denied. On August 21, 2025, Student cancelled the scheduled mediation.

On September 23, 2025, the parties filed a joint request to schedule a mediation on November 12, 2025, and to continue the hearing to January 6, 2026, based on the parties not having an opportunity to mediate, and ongoing negotiations.

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 for a mediation and a brief continuance to accommodate the mediation. The parties did not establish good cause to continue the hearing another two months following the requested mediation. This case has been pending since early June 2025, the parties waited a month before requesting another mediation following Student's mediation cancellation, and OAH is required to hear cases expeditiously. Accordingly, the request for mediation and continuance to accommodate the mediation, are granted. All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on November 12, 2025, 1:30 PM to 5:00 PM.

PREHEARING CONFERENCE will be held on November 17. 2025, at 10:00 AM.

DUE PROCESS HEARING will be held on November 25 and 26, 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.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings