BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

NEW HAVEN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025041199

ORDER DENYING REQUEST FOR CONTINUANCE

JUNE 24, 2025

On April 25, 2025, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming New Haven Unified School District as respondent. On May 12, 2025, pursuant to an order determining the original complaint partially insufficient, Student filed an amended complaint. Later on May 12, 2025, a scheduling order was issued setting the hearing on July 1, 2, and 3, 2025.

On May 23, 2025, the parties' joint request to mediate was granted. On June 19, 2025, OAH issued an order granting a continuance of the hearing due to a scheduling conflict between the mediation date granted and the prehearing conference date

scheduled following the filing of Student's amended complaint. The June 19, 2025 order granting continuance scheduled the case for prehearing conference on June 30, 2025 and for hearing July 8, 9, and 10, 2025. Also on June 19, 2025, New Haven filed a request to continue the originally scheduled hearing dates of July 1, 2, and 3, 2025 due to counsel and witness unavailability.

New Haven contends the hearing should be continued because four key witnesses, would be unavailable for the July 1, 2, and 3, dates. New Haven also argues that their counsel has a hearing conflict for the July 1, 2, and 3, 2025 hearing dates. OAH did not receive a response to New Haven's continuance request from Student. New Haven's motion was filed prior to the issuance of OAH's June 19, 2025 continuance order. However, New Haven has neither filed an updated motion for continuance, nor withdrawn the pending motion. Therefore, New Haven's unavailability will be considered in light of the currently scheduled hearing dates.

OAH must conduct a due process hearing and render a decision within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The currently scheduled dates for hearing are July 8, 9, and 10, 2025. Counsel's hearing conflict in case number 2025040412 is moot. That case was continued, and the currently scheduled dates do not pose a hearing conflict for counsel.

The witnesses are unavailable on various dates ending July 4, 2025, July 7, 2025 and July 8, 2025. While Jennifer Javier's conflict does not end until July 8, 2025, New Haven offered no evidence that her testimony was required to be taken on July 8, 2025. New Haven should be able to work with Parent to schedule Ms. Javier's testimony on a date other than July 8, 2025.

The request for continuance is denied. New Haven failed to establish good cause for a continuance of the hearing for the dates of July 8, 9, and 10, 2025. The case will proceed as stated in the June 19, 2025 Order granting continuance.

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.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings