BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025070906

ORDER DENYING STUDENT'S REQUEST FOR CONTINUANCE

AUGUST 26, 2025

On August 25, 2025, Student filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH. On August 26, 2025, Palo Alto Unified School District filed a non-opposition.

Student contends the hearing should be continued because their sibling's case is currently in hearing and expected to continue into the current hearing dates in this case. Palo Alto does not oppose a continuance but has proposed different dates than Student for the continuance.

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).)

Here, although there is good cause for a continuance, the parties do not agree on dates for the continued hearing. As such, Student's request is denied without prejudice. The parties should meet and confer and attempt to agree upon new dates. Student may refile the request after meeting and conferring or the parties may jointly file a request for continuance with agreed upon dates. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared, unless otherwise ordered.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings