BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025100303

ORDER GRANTING REQUEST FOR RECONSIDERATION AND GRANTING CONTINUANCE REQUEST

MARCH 20, 2026

On March 19, 2026, the undersigned Administrative Law Judge issued an order denying the parties' joint continuance request because the parties failed to provide any reason for the continuance. The denial allowed the parties to resubmit the continuance request with a declaration establishing good cause for the continuance. Student filed a motion for reconsideration of the denial and request to grant the continuance, along with a declaration from Student's attorney, just hours after receiving the denial. San Francisco Unified School District filed a non-opposition to Student's motion and continuance request on March 20, 2026.

The Office of Administrative Hearings, called OAH, will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within 10 days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances, or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

On October 8, 2025, Student filed the initial due process hearing request. On October 21, 2025, the parties jointly requested a continuance and mediation. OAH granted the parties' request on October 28, 2025. On December 22, 2025, OAH granted the parties' second continuance request.

On February 4, 2026, Student filed a motion to amend the due process hearing request and an amended complaint. OAH granted Student's motion to amend on February 9, 2026, and set the hearing to begin on April 2, 2026. On March 16, 2026, the parties jointly filed a third continuance request in this matter. The parties requested a one-week continuance to April 7, 2026.

Student's attorney attests he mistakenly believed the parties did not need good cause for the third continuance because OAH granted Student's motion to amend and reset the hearing dates. Student's attorney is unavailable on April 2, 2026, because of a religious holiday. Student did not need to file a motion for reconsideration, the parties only needed to file another continuance request with good cause. However, Student's motion and declaration offers an explanation, and Student's attorney's mistake warrants reconsideration. The motion for reconsideration is granted.

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).)

Student established good cause for a short, one week, continuance. Student's attorney's unavailability because of a religious holiday constitutes good cause. All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on March 27, 2026, at 1:00 PM.

All other prehearing matters shall be addressed at the March 27, 2026, prehearing conference. All prehearing motions must be filed three business days before the PHC.

DUE PROCESS HEARING will be held on April 7, through April 9, 2026.

The hearing will be conducted via telephone or videoconference and shall begin at 9:30 AM and end at 3:30 PM on all days, unless otherwise ordered. The hearing shall continue day to day at the discretion of the ALJ.

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.

Linda Dowd

Linda Dowd
Administrative Law Judge
Office of Administrative Hearings