BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SWEETWATER UNION HIGH SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025120840

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING DUE PROCESS HEARING

JANUARY 9, 2026

On January 7, 2026, Sweetwater Union High School District, called Sweetwater, filed a request to continue the due process hearing with the Office of Administrative Hearings, called OAH. On January 7, 2026, Student filed a non-opposition.

Sweetwater contends the hearing should be continued because the Sweetwater representative, who is a key witness, is unavailable due to attending a pre-paid conference. The sworn declaration of Sweetwater's counsel explains that due to Sweetwater's winter vacation, he was not made aware of the witness's unavailability until after the prehearing conference.

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).)

Sweetwater established good cause to continue the due process hearing. The unavailability of Sweetwater's representative and essential witness due to excusable circumstances is good cause for a short continuance of the due process hearing.

The request is granted. The previously scheduled due process hearing date is vacated. The new date is:

DUE PROCESS HEARING will be held on January 21 and 22, 2026. Please note that OAH does not schedule due process hearings to begin on a Tuesday following a Monday holiday. Monday, January 19, 2026, is a state holiday, and the requested start date of January 20, 2026, is not available.

The 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 at the discretion of the Administrative Law Judge.

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.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings