BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT.

OAH CASE NUMBER 2025090672

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

MARCH 25, 2026

On September 18, 2025, Parents on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, naming Chula Vista Elementary School District. The Office of Administrative Hearings is called OAH.

On January 7, 2026, OAH granted Student's request to amend the complaint. On February 11, 2026, OAH granted the parties' joint request to continue the due process hearing to allow the parties to participate in mediation. The hearing was continued to April 7, 8, and 9, 2026, and mediation set for February 26, 2026, 9:00 AM to 4:30 PM. On February 25, 2026, Student cancelled mediation because his attorneys were engaged in

a due process hearing for another matter, and also scheduled for a hearing in federal court, on February 26, 2026.

On March 19, 2026, Chula Vista Elementary filed a request to continue the due process hearing to allow the parties to participate in mediation. Chula Vista Elementary requested a mediation date of April 7, 2026, and to continue the hearing to May 5, 6, and 7, 2026.

On March 24, 2026, Student filed a non-opposition to the request for continuance. Student requested April 14, 2026, for mediation because Student's attorney was unavailable for mediation on April 7, 2026, because the attorney was scheduled to be in an on-going hearing on that date in OAH case number 2025090144. On March 24, 2026, Chula Vista Elementary filed a reply to Student's non-opposition, stating Chula Vista Elementary was available for mediation on April 14, 15, or 16, 2026.

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).)

Chula Vista Elementary established good cause to continue the due process hearing to allow the parties to participate in mediation. Further, Student's attorney is not available on the dates scheduled for hearing in this matter because the attorney is scheduled to be in an on-going hearing on another matter. Accordingly, the request is granted. All previously scheduled dates are vacated. This matter will proceed as follows:

MEDIATION will be held on April 14, 2026, at 9:00 AM to 4:30 PM.

PREHEARING CONFERENCE will be held on April 24, 2026, at 1:00 PM.

DUE PROCESS HEARING will be held on May 5, 6, and 7, 2026.

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.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings