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 2025080736

ORDER GRANTING JOINT CONTINUANCE REQUEST

OCTOBER 16, 2025

On August 13, 2025, Parents on behalf of Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming San Francisco Unified School District, called San Francisco Unified. On August 25, 2025, OAH issued an order granting the parties' joint request to schedule a mediation and continue the due process hearing. OAH scheduled the due process hearing for October 28, through 30, 2025.

On October 14, 2025, the parties filed a second joint request to continue the due process hearing date. The parties contend good cause exists for a five-week continuance of the due process hearing because one of San Francisco's material witnesses is unavailable for hearing on October 28, through 30, 2025, because she is on maternity leave. Further, following mediation of this dispute, San Francisco decided to

retain outside counsel to represent it at the due process hearing. San Francisco is in the process of retaining outside counsel and requests a continuance to allow the law firm to familiarize itself with the facts and adequately prepare for due process hearing. The joint continuance request was supported by a declaration under penalty of perjury by San Francisco Unified's Deputy General Counsel.

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).)

The parties established good cause for continuance of the due process hearing based on witness unavailability and anticipated substitution of counsel for San Franciso Unified. Accordingly, the request for continuance is granted for good cause. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE, called PHC, will be held on November 17, 2025, at 10:00 AM. PHC statements and prehearing motions are due to OAH no later than three business days before the PHC. Late motions will only be considered if good cause is established for the late filing. Participant information sheets for mediation and the PHC must be filed two business days prior to the scheduled event.

DUE PROCESS HEARING will be held on December 2, through 4, 2025. 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 ALJ. Additional hearing days will be discussed with the ALJ presiding over the due process hearing.

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.

Jennifer Kelly

Jennifer Kelly
Administrative Law Judge
Office of Administrative Hearings