BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SONOMA VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025090701

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING DATES

NOVEMBER 6, 2025

On September 19, 2025, Student filed a request for a due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Sonoma Valley Unified School District.

On October 1, 2025, OAH granted a joint request to mediate and continue the due process hearing. OAH scheduled a mediation on October 31, 2025, and continued the due process hearing to November 18, 2025.

On November 3, 2025, Sonoma Valley filed a second motion to continue, supported by a declaration by counsel, seeking a continuance to December 9, 2025, or January 13, 2026. Sonoma Valley asserts the hearing should be continued due to the unavailability of its counsel due to her representation in another, earlier-filed case, OAH Consolidated Case Numbers 2025070256 and 2025090003, which is also scheduled for hearing on November 18, 2025. Sonoma Valley acknowledges that while it requested the hearing date of November 18, 2025, in the instant mater in its joint continuance request, the consolidated matter was continued to November 18, 2025, after the parties submitted the joint request.

On November 5, 2025, Student opposed the request. Student contends the hearing should not be continued because this matter was continued once before, Student requires a speedy resolution, and Sonoma Valley belatedly informed Student of the conflict.

On November 6, 2025, Sonoma Valley filed a reply to Student's opposition, attaching a declaration by counsel. Sonoma Valley further asserts its counsel is lead counsel in both the instant matter and the consolidated matter, OAH Consolidated Case Numbers 2025070256 and 2025090003, both scheduled for hearing on the same dates.

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 request is granted, but not for the length of time requested. Sonoma Valley established good cause for a short continuance based on its counsel's unavailability due to a conflict with an earlier-filed case scheduled to proceed on the same hearing dates as this matter. However, Sonoma Valley did not establish a conflict for the hearing dates of November 25, and 26, 2025. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on November 14, 2025, at 10:00 AM.

DUE PROCESS HEARING will be held on November 25, and 26, 2025.

The 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.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings