BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

WHITTIER UNION HIGH SCHOOL DISTRICT ,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025060632

ORDER DENYING REQUEST FOR CONTINUANCE

SEPTEMBER 4, 2025

On June 16, 2025, Whittier Union High School District, called Whittier, filed a request for due process hearing with the Office of Administrative Hearings, called OAH, naming Student. On June 25, 2025, OAH granted the parties' joint request for continuance and set the prehearing conference for August 29, 2025, and the due process hearing for September 9, 2025, through September 11, 2025, dates selected by the parties.

On June 26, 2025, Student's attorney Matthew Pope filed a notice of representation. On August 29, 2025, OAH held the prehearing conference for this matter. Pope appeared 25 minutes late for the prehearing conference, despite being informed of the prehearing conference by mail, electronic mail, and several times by telephone. Student failed to submit a prehearing conference statement, exhibit list,

witness list, or any prehearing motions prior to the prehearing conference, as required by OAH.

On September 3, 2025, Student filed a motion to continue the due process hearing with OAH. Student failed to include proof of service with the motion. On September 4, 2025, Whittier filed a non-opposition, indicating it had received a copy of the motion.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (Ed. Code, § 56505, subd. (f)(3); Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance or imposing conditions on the continuance; and any other relevant fact or circumstance. (Cal. Rules of Court, rule 3.1332(d).)

Student failed to timely file the motion three business days before the August 29, 2025 prehearing conference. The motion included a declaration by Pope, in which he stated that he was informed of the prehearing conference and due process hearing dates by Parent on June 20, 2025. At that time, Pope was aware the hearing dates conflicted with his attendance at a conference for the National Organization of Social Security Claimants Representatives. However, he failed to file a motion to continue until after the prehearing conference.

Pope contends that he was not familiar with OAH's requirement that prehearing motions be filed at least three business days before the PHC. As Student's attorney, Pope had an obligation to familiarize himself with OAH orders, including OAH's June 18, 2025 Scheduling Order, which explicitly states that all prehearing motions be filed not later than three business days before the prehearing conference.

Consequently, Student failed to establish good cause for the untimely filing of the motion, and the motion is denied. All hearing dates are confirmed.

This conduct follows Pope's failure to appear timely at the prehearing conference, failure to file a prehearing conference statement on behalf of Student, including a list of Student's exhibits and witnesses, and failure to include a proof of service with the

motion for continuance. Pope's conduct falls below what is expected of an attorney representative and he is hereby admonished to timely comply with all OAH Orders. Failure to do so may result in sanctions being imposed against him.

IT IS SO ORDERED.

Paul Kamoroff

Paul H Kamoroff
Administrative Law Judge
Office of Administrative Hearings