BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

YUBA CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025060876

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING REQUEST FOR CONTINUANCE

AUGUST 4, 2025

On August 4, 2025, Administrative Law Judge Ashok Pathi, Office of Administrative Hearings held a prehearing conference by videoconference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC.

Attorney Joshua Cruz appeared on behalf of Student. Attorneys Matejka Handley and Dee Anna Hassanpour appeared on behalf of Yuba City Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

On July 29, 2025, Student timely moved to continue the prehearing conference and due process hearing based on Student's counsel's conflict in due process hearing dates with an earlier-filed due process matter. Student's counsel represented that he is a solo practitioner, so no other attorney can represent Student on the dates currently set for the due process hearing. Student requested OAH continue the due process hearing to begin on September 2, 2025. However, Student did not provide an explanation for the length of this continuance. This is the first continuance requested in this matter.

Yuba City filed a non-opposition to Student's motion to continue. However, Yuba City requested, without explanation, that the hearing be continued to September 9, 10, and 11, 2025, or to September 23, 24, and 25, 2025.

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 established good cause to continue the matter because of the conflict with a due process hearing in an earlier-filed matter. OAH regularly continues later-filed matters when this type of conflict arises. During the PHC, Student's counsel represented that the earlier-filed matter was estimated to take between four and six hearing days. Based on how OAH generally schedules hearings, the first available hearing date following that due process hearing would be August 26, 2025.

Yuba City did not establish good cause for any further continuance of the hearing. However, nothing about this Order prevents the parties from requesting another continuance.

During the PHC, the undersigned asked whether the parties wished to schedule a mediation. The parties did not agree to request a mediation. Therefore, this case shall proceed as follows:

PREHEARING CONFERENCE will be held on August 18, 2025, at 3:00 PM.

All other prehearing matters shall be addressed at the August 18, 2025 prehearing conference. All prehearing motions must be filed three business days before the PHC.

DUE PROCESS HEARING will be held on August 26, through 28, 2025.

The hearing will be conducted via videoconference or telephone and shall begin at 9:30 AM and end at 3:30 PM on all days, unless otherwise ordered. The hearing shall continue day to day at the discretion of the ALJ.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed.

SETTLEMENT

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a

settlement within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

If a full and final written settlement agreement is reached after 4:00 PM the day before the hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH at https://www.applications.dgs.ca.gov/oah/oahsftweb.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings