BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025010272

ORDER GRANTING REQUEST FOR CONTINUANCE

MARCH 28, 2025

On March 28, 2025, the parties jointly filed a request to continue due process hearing, to avoid Student's counsel's conflicts with two other earlier-filed OAH cases, scheduled for hearing the same week as the present case.

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. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to

continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties established good cause to continue hearing, but not for the length of time requested. The parties did not establish good cause as to why hearing should not be set for the following week on May 20, 21, and 22, 2025. The scheduling conflict that Student's counsel has during that week is with the hearing dates of a later-filed OAH case. Hearing in the present case will be set for that week. The parties are also cautioned that, given the age of this case and that OAH has twice granted amendment of Student's complaint, OAH will not grant any further continuance absent a showing of extraordinary good cause.

The request to continue is granted, but not for the length of time requested. The new dates are:

PREHEARING CONFERENCE will be held on May 9, 2025, at 10:00 AM.

DUE PROCESS HEARING will be held on May 20, 21, and 22, 2025.

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.

Claire Yazigi

Claire Yazigi
Administrative Law Judge
Office of Administrative Hearings