

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026041203

ORDER GRANTING CONTINUANCE REQUESTS BY
STUDENT AND OAKLAND UNIFIED SCHOOL DISTRICT

JULY 2, 2026

On April 24, 2026, Parent on behalf of Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Oakland Unified School District, called Oakland. On April 28, 2026, OAH issued a scheduling order and set the prehearing conference for May 29, 2026, at 1:00 p.m., and the due process hearing for June 9, through 11, 2026.

On May 26, 2026, Oakland filed a motion to continue the due process hearing based on its attorney's unavailability due to her participation in an earlier-filed OAH case. OAH did not receive a response to the continuance request from Student.

On May 28, 2026, OAH issued an order granting Oakland's motion to continue. OAH scheduled the PHC for July 3, 2026, at 10:00 a.m., and continued the due process hearing to July 14, through 16, 2026.

On June 8, 2026, Student filed a motion to continue the due process hearing. Student's motion was supported by a declaration by Parent. Student's motion sought a continuance of the due process hearing for an indefinite time based on Parent's need to care for Student. Parent argued that Student was experiencing medical and emotional issues and was unable to participate in the due process hearing.

OAH did not receive a response to the continuance request from Oakland Unified.

On June 12, 2026, OAH issued an order denying Student's motion for a continuance on the grounds Student did not establish good cause for an indefinite continuance. The order was without prejudice to Student' refiling a motion to continue establishing good cause for a continuance and proposed continued hearing dates.

On June 26, 2026, Student filed a renewed motion for a continuance. Student seeks a six-month continuance of the due process hearing based on Student's mental health challenges and her inability to participate in the due process hearing. Student's motion was supported by a letter from Student's physician. Student's physician attested to Student's anxiety and inability to participate in a due process hearing.

OAH did not receive a response to Student's motion from Oakland.

On June 30, 2026, Oakland filed a motion to continue the due process hearing on the grounds the parties have not had an opportunity to participate in mediation. Oakland's motion was supported by a declaration by its attorney of record. Oakland

argues the parties desire to attend mediation, but they have not agreed upon dates. Oakland requests a five-week continuance to August 18, 2026, to allow the parties to schedule and participate in mediation. Oakland further argues its attorney of record is participating in earlier filed cases pending before OAH the weeks of July 28, through 30, and August 4, through 6, 2026, and is conducting an in-person training on August 12, 2026, and is unavailable for hearing until August 18, 2026.

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).)

Student established good cause to continue the due process hearing based on Student's illness. Oakland established good cause to continue based on its attorney's conflicts with earlier filed OAH cases. Accordingly, a continuance is granted, but not for the length of time Student requested. OAH is required to quickly resolve due process hearing requests. Student did not establish good cause for a six-month continuance. Based on the totality of the circumstances, good cause exists for a 30-day continuance of the due process hearing. The parties are encouraged to meet and confer and file a joint request to schedule mediation within seven days of this order, and agree upon a mediation date to occur before the continued prehearing conference in this matter. The new dates are:

PREHEARING CONFERENCE: August 3, 2026, at 1:00 PM.

DUE PROCESS HEARING: August 11, through 13, 2026.

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.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings