

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026020773

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SETTING SECOND MEDIATION,
PREHEARING CONFERENCE, AND HEARING

JULY 10, 2026

On February 11, 2026, Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, OAH, naming San Diego Unified School District. On March 202, 206, the parties requested and OAH granted a mediation and continuance of the hearing until June 23, 2026. The parties participated in mediation on May 19, 2026.

On June 3, 2026, Student moved to amend the complaint. OAH granted Student's motion and deemed the amended complaint filed on June 10, 2026. OAH set the due process hearing to start July 28, 2026.

On July 2, 2026, the parties requested and OAH denied a second mediation and continuance for failure to state good cause.

On July 8, 2026, the parties requested a second mediation to attempt to resolve the additional claims Student stated in the amended complaint and in light of additional information that was not yet available at the time of the first mediation. The parties also requested to continue the hearing because both of Student's attorneys are not available on the hearing dates OAH assigned after granting Student's motion to amend the complaint. The parties stipulated to dates for mediation and hearing.

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's attorneys' declarations established good cause for their unavailability on the currently scheduled hearing dates and for a continuance to dates to which District has stipulated.

The request is granted. All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on August 11, 2026, 9:00 AM to 4:30 PM.

PREHEARING CONFERENCE will be held on August 31, 2026, at 3:00 PM.

DUE PROCESS HEARING will be held on September 15, 16, and 17, 2026.

The mediation, 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.

Due to the age of this case, OAH does not contemplate granting any further continuances.

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings