

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER:
PARENT ON BEHALF OF STUDENT,

and

IRVINE UNIFIED SCHOOL DISTRICT
OAH CASE NUMBER 2026030972

ORDER DENYING REQUEST FOR FOURTH CONTINUANCE
OF DUE PROCESS HEARING

AUGUST 6, 2026

On March 23, 2026, Student filed the due process hearing request in this matter with the Office of Administrative Hearings, called OAH, naming Irvine Unified School District, called District. On April 13, 2026, the parties filed a joint request to continue the hearing to June 23, 24, and 25, 2026, to allow the parties to participate in mediation. On April 15, 2026, OAH granted the parties' joint request and scheduled the mediation for May 29, 2026, and continued the hearing to June 23, 24, and 25, 2026. On May 28, 2026, District canceled the mediation, without explanation to OAH.

On June 9, 2026, District filed a request to continue the due process hearing due to District's attorney being scheduled to start due process hearings in earlier-filed

matters on the same dates as this case, and in the following weeks. Student did not oppose the continuance. On June 11, 2026, OAH granted District's request and set the hearing for August 4, 5, and 6, 2026.

On June 26, 2026, the parties filed a joint request to reschedule the mediation and to continue the due process hearing for two weeks. On July 8, 2027, OAH granted the parties' request and set the due process hearing for August 18, 19, and 20, 2026.

On August 4, 2026, the parties requested a continuance of the due process hearing to September 29, 2026, due to unavailability because of two earlier filing cases set to begin on August 11, 2026, that involve the same attorneys and school district.

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).)

The parties failed to establish good cause for a continuance in this matter. At this time, there is no conflict as the other cases are set for August 11, 12, and 13, 2026, and this matter is set for August 18, 19, and 20, 2026. Further, the parties' failed to establish unavailability or conflicts that establish good cause through the end of September 2026, that would require a continuance over six months after the filing of this matter.

The parties' motion for a fourth continuance is denied at this time. Should either of those cases go forward and the administrative law judge sets additional days that conflict with this matter, the parties may file a motion for a short continuance at that time.

All dates remain on calendar.

IT IS SO ORDERED

A handwritten signature in cursive script that reads "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings