

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

UNION SCHOOL DISTRICT.
OAH CASE NUMBER 2026060619

ORDER DENYING REQUEST FOR CONTINUANCE

AUGUST 12, 2026

On June 8, 2026, Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, called OAH, naming Union School District. On June 17, 2026, OAH granted the parties' joint request for mediation and continuance of the hearing. On August 10, 2026, OAH held a prehearing conference, called PHC, by videoconference. The matter is currently scheduled to commence on August 25, 2026.

On August 11, 2026, Union filed a request to continue the hearing. On the same day, Student opposed the request. On August 12, 2026, Union filed a reply to Student's opposition in support of its request for a continuance.

Union contends the hearing should be continued because Attorney Eliza McArthur, its preferred counsel for hearing, is unavailable on the currently scheduled dates for hearing due to an unexpected medical procedure for a family member scheduled on August 19, 2026. Attorney McArthur is the sole caretaker and must travel out of state. Therefore, Attorney McArthur is unavailable to represent Union at hearing. Union argues Attorney McArthur is more familiar and involved with the case than its other counsel, Attorney Justin Manganiello. Union further contends the dates for hearing in this matter conflict with the dates for hearing in an earlier-filed case pending before OAH.

Student contends the hearing should not be continued because a swift resolution of the matter is necessary. Student argues that Union is not without counsel and did not establish that it is incapable of proceeding with the hearing.

Union's motion was untimely. Pursuant to OAH orders, parties must file prehearing motions no later than three business days prior to the PHC. Any late motions will only be considered if good cause is established for the late filing. Attorney McArthur declared that the underlying developments were unknown to her until the weekend of August 8, and 9, 2026. Union established good cause for the late filing.

OAH must conduct a due process hearing and render a decision 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).)

Union did not establish good cause to continue the due process hearing. The purported calendaring conflict with another OAH case may constitute good cause for a continuance, as earlier-filed matters take precedence. However, Union did not specify the conflicting case. OAH is unable to confirm whether this matter remains on calendar or is, in fact, earlier filed. Union's request for a continuance on this basis is denied without prejudice.

Union did not establish good cause based on the unavailability of counsel. The notice of representation filed in this case identified the firm of McArthur and Levin as Union's attorneys of record, signed by Attorney Manganiello. Attorney Manganiello has had significant involvement before OAH in prosecuting this matter. The joint request for mediation and continuance, the prehearing conference statement, and response to Student's motion to quash subpoenas were signed by Attorney Manganiello. Attorney Manganiello appeared and represented Union at the PHC. Union did not assert Attorney Manganiello is unavailable on the dates currently set in this matter.

The request is denied. The due process hearing dates are confirmed and will proceed as calendared. If Union intends to make another request for a continuance,

Union is advised to do so expeditiously, as a language interpreter was requested for witnesses in this matter.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Jeanie Min".

Jeanie Min

Administrative Law Judge

Office of Administrative Hearings