

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 2026050160

ORDER GRANTING SECOND REQUEST FOR
CONTINUANCE AND SETTING PREHEARING CONFERENCE
AND DUE PROCESS HEARING

AUGUST 12, 2026

On April 30, 2026, Student filed a request for a due process hearing. On June 3, 2026, Parties filed a joint request to schedule mediation and continue the due process hearing. That request was granted and the due process hearing was scheduled for August 25, through August 27, 2026.

On August 11, 2026, Parties filed a second joint request to continue the due process hearing with the Office of Administrative Hearings, OAH.

Parties contend the hearing should be continued to October 13, through 15, 2026, because attorneys for both Capistrano Unified School District and Student are engaged in earlier-filed OAH matters until October 13, 2026. Attorneys for both Capistrano and Student submitted declarations that included dates and case conflicts.

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).)

Parties have established good cause to continue the matter to ensure availability of each parties' attorney. Parties provided OAH with declarations establishing that there are earlier filed cases set to go to hearing on August 25, 2026, September 1, 2026, September 9, 2026, September 15, 2026, and September 22, 2026. Parties have not established good cause to show why they are unavailable September 29, 2026.

The request is granted, but not for the length of time requested. Because of the length of time this matter has been pending before OAH, the parties are on notice that absent extraordinarily good cause, no further continuances will be granted. The new dates are:

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PREHEARING CONFERENCE will be held on September 18, 2026, at 3:00 PM.

DUE PROCESS HEARING will be held on September 29, through October 1, 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.

A handwritten signature in black ink, appearing to read 'Jessica Plitt', with a stylized, cursive script.

Jessica Plitt

Administrative Law Judge

Office of Administrative Hearings