

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

DEL MAR UNION SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026071144

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SETTING PREHEARING CONFERENCE AND HEARING
DATES

AUGUST 20, 2026

On August 19, 2026, Student filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH. Subsequently, on August 19, 2026, Del Mar Union School District filed a non-opposition.

Student contends the hearing should be continued due to conflicts with earlier-filed cases and an obligation to draft and provide an opening brief in a Ninth Circuit case. Student requests a continuance from September 1, 2026, to November 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, but not for the length of time requested. Student established good cause for a brief continuance based on a conflict with an earlier-filed case, OAH Case Number 2026060939, which is also scheduled for hearing on September 1, 2026, and for which Student's attorney is also trial counsel. However, Student failed to establish good cause for a continuance the following week, as Student failed to explain why drafting and providing an opening brief in another case would require continuing the hearing in this case. For example, Student did not assert that Student's attorney would need to make an appearance in the Ninth Circuit case. Even if Student were required to appear, the instant case would not necessarily be continued an additional week to accommodate a court appearance. Accordingly, Student did not establish good cause for a continuance to November 2026.

All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on August 28, 2026, at 3:00 PM.

DUE PROCESS HEARING will be held on September 9, and 10, 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.

Daniel Senter

Daniel Senter

Administrative Law Judge

Office of Administrative Hearings