

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

V.

SAN MARCOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070477

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SETTING PREHEARING CONFERENCE AND HEARING

AUGUST 27, 2026

On July 10, 2026, Parents on behalf of Student filed a request for due process hearing with hearing with the Office of Administrative Hearings, called OAH, naming San Marcos Unified School District as Respondent. Parents are not represented by counsel. On July 13, 2026, OAH issued a scheduling order, setting the due process hearing for August 25, 2026.

On August 10, 2026, OAH granted San Marcos Unified's motion to continue the hearing, due to a conflict with another, older matter's hearing. Also, San Marcos Unified sought the scheduling of a mediation, to which the parties had agreed. OAH set the mediation for August 21, 2026, the prehearing conference for August 28, 2026, and the

hearing for September 9 and 10, 2026. The parties mediated on August 21, 2026, but did not resolve Student's complaint

On August 26, 2026, Student filed a request to continue the hearing. Following a long mediation, Parents decided to obtain an attorney. Parents seek a continuance to retain counsel and provide sufficient time for the attorney to prepare for hearing. Parents responsibly discussed their continuance request with San Marcos Unified's counsel before filing the motion.

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 seeks a hearing continuance to November 3, 4, and 5, 2026, to retain an attorney. On August 27, 2026, San Marcos Unified filed notice that it did not oppose the motion to continue.

Student has demonstrated good cause and the request to continue is granted. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on October 23, 2026, at 3:00 PM.

DUE PROCESS HEARING will be held on November 3, 4, and 5, 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 blue ink, appearing to read "Clifford H. Woosley". The signature is stylized with a large initial "C" and a long, sweeping underline.

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings