

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026050573

ORDER DENYING REQUEST FOR CONTINUANCE AND
MEDIATION

SEPTEMBER 2, 2026

On May 13, 2026, Student filed a due process hearing request with the Office of Administrative hearings, called OAH, naming Sacramento City Unified School District. On June 2, 2026, OAH granted the parties' request to schedule mediation and continue the due process hearing dates. The parties participated in a mediation of this matter on July 14, 2026. The hearing in this matter is scheduled to begin on September 15, 2026.

On September 2, 2026, the parties filed a joint request to continue the hearing to April 6, through 8, 2027, to give the parties an opportunity to conduct independent educational assessments, review those assessments at an individualized education program, or IEP, team meeting, and participate in a second mediation prior to going to

hearing. The parties indicate that they have entered into an "interim agreement" for each of these events to take place over the next seven months.

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 have not established good cause to continue the due process hearing. This case was continued at the parties' request to participate in mediation, and four months will have passed when this case proceeds to hearing on September 15, 2026. The parties' desire for further settlement negotiations and time to implement their interim agreement is not good cause for a continuance, as the parties can negotiate a settlement without a second expenditure of judicial resources in mediation.

Future assessments and IEPs may resolve past claims or result in new claims, but are not themselves good cause for continuing Student's current due process hearing; especially when the parties are seeking hearing dates nearly one year after Student filed the complaint. Student may dismiss her current case and refile her claim at a later date if she does not wish to proceed to hearing on the information currently available to her.

The request is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings