

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

FILLMORE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070131

ORDER DENYING REQUEST CONTINUANCE OF DUE
PROCESS HEARING

SEPTEMBER 24, 2026

On July 1, 2026, Student filed a due process hearing request, with the Office of Administrative Hearings, called OAH, naming Fillmore Unified School District. On July 24, 2026, OAH granted the parties' request for a mediation and due process hearing continuance to October 6, 2026, which the parties mutually agreed upon.

On September 22, 2026, Fillmore requested a one-week continuance due to unavailability of Fillmore's representative and its fall break scheduled the same week. On September 23, 2026, Student opposed the motion arguing there is no good cause established for an administrator's pre-paid vacation plans and fall break. Further, Student is

fully prepped for trial, with active witness subpoenas served. Thus, Student argues a one-week continuance would cause prejudice.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

Filmore's request is denied. Filmore failed to establish good cause for the due process hearing continuance. Filmore failed to explain why another employee could not act as its representative during the hearing. Additionally, fall break is not good cause for a continuance.

Filmore mutually agreed to this date in July 2026 when it made the initial continuance request. Filmore's request for a due process hearing continuance is denied. All dates remain on calendar.

IT IS SO ORDERED

A handwritten signature in black ink that reads "Cynthia Fritz". The script is cursive and fluid.

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings