

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

PACIFICA SCHOOL DISTRICT.
OAH CASE NUMBER 2026080641

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

SEPTEMBER 24, 2026

On August 18, 2026, Parents, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Pacifica School District as respondent. On August 28, 2026, the parties first joint request for continuance was granted to allow the parties to mediate, setting the hearing to begin on October 8, 2026. On September 18, 2026, Pacifica filed a request to continue the due process hearing. OAH did not receive a response to the continuance motion from Student.

OAH must conduct a due process hearing and render a decision within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Pacifica's counsel represents that multiple, necessary district witnesses are no longer Pacifica employees, and it is taking a long time to find them and arrange for their testimony. Pacifica states the process of locating witnesses will take longer than October 8, 2026. Pacifica counsel also represents she spoke with Student's counsel, who agreed to the continuance. According to Pacifica counsel both sides agrees to schedule the prehearing conference, on October 30, 2026, and the hearing beginning November 10, 2026.

Pacifica has established good cause for the continuance. Its counsel's representative's word, as an officer of the court, is accepted as to the agreement with Student's counsel regarding the new dates to be scheduled. The request is granted. The new dates are:

PREHEARING CONFERENCE will be held on October 30, 2026, at 3:00 PM.

DUE PROCESS HEARING will be held on November 10, and 12, 2026.

NOTE: Due Process Hearings are not being scheduled on November 11, 2026, due to the Veteran's Day holiday.

The prehearing conference, and due process hearing will be held by videoconference 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 notice of the new 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.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings