BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

VACAVILLE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026040282

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING HEARING

OCTOBER 2, 2026

On September 30, 2026, Vacaville Unified School District filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH. Vacaville Unified School District is called Vacaville. On October 2, 2026, Student filed a response.

Vacaville contends the hearing should be continued because counsel is unavailable. Additional days of hearing have been added to an earlier filed, ongoing OAH hearing in Case No. 2026010062. Additionally, counsel is unavailable October 15, 2026, due to a prior commitment to conduct a webinar training. Student does not oppose the continuance. However, Student's counsel is unavailable on the proposed

continuance date, October 20, 2026, because she is scheduled for hearing in an earlier filed OAH Case No. 2026030893. Student's counsel proposes a continuance to October 27, through October 29, 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).)

The motion was filed after the pre-hearing conference, called PHC. Vacaville established good cause for filing the motion after the September 28, 2026, PHC. On September 24, 2026, Vacaville filed correspondence with OAH regarding the potential need for a continuance pending the ALJ's decision to add additional days of hearing in OAH Case No. 2026010062. Vacaville established establish good cause to continue the due process hearing. Counsel is unavailable due to an excusable circumstance.

The request is granted. The previously scheduled hearing dates are vacated. The new dates are:

DUE PROCESS HEARING will be held on October 27, through October 29, 2026.

The 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.

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.



Katherine Roe

Administrative Law Judge

Office of Administrative Hearings