BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026060864

ORDER GRANTING REQUEST FOR SECOND HEARING CONTINUANCE

OCTOBER 7, 2026

On June 16, 2026, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Palo Alto Unified School District as respondent. On July 3, 2026, OAH granted the parties first joint request for continuance, granting the continuance to their selected dates, to allow the parties to mediate the dispute.

On September 29, 2026, the parties filed a second, joint request to continue the due process hearing on the grounds of a hearing conflict. This motion was denied for failure to establish the conflict. On October 6, 2026, the parties jointly filed another

request to continue the hearing due to conflicts. The parties stipulated to hearing dates of December 15, 16, and 17, 2026.

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).)

All continuance requests require a showing of good cause. ((Ed. Code, § 56505, subd. (f)(3).) The parties have established good cause to continue this October 20, 2026 hearing, based on conflicting, earlier filed cases. San Francisco has identified two earlier filed cases that are also set to begin on October 20, 2026 for which its counsel is currently scheduled. Generally, OAH gives earlier filed cases hearing priority.

The parties' additional reasons for a lengthy continuance are not persuasive. For example, none of the cases identified as hearing conflicts for hearings scheduled to begin after October 20, 2026 were filed earlier than this one. Additionally, stating counsel is unavailable for hearing beginning November 3 due to a conflict with a case that is unidentified does not constitute good cause. Similarly, unidentified conflicts caused by asserted vacations occurring during holiday periods are not good cause for continuance, unless supported by declarations establishing the identity of the hearing participant who is unavailable, and the dates they are not unavailable; and that that the vacation was planned prior to the order establishing the hearing dates in question. A

school district's closure for holidays such as Veterans' Day or Thanksgiving does not constitute good cause for a continuance.

The request is granted based upon good cause shown by conflicts with earlier filed cases, but not for the length of time requested. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on October 19, 2026 at 10:00 AM.

DUE PROCESS HEARING will be held on October 27, 28, and 29, 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.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge, Office of Administrative Hearings