BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

RIVERSIDE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2026070692

OAH CASE NUMBER 2026100034

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE, AND HEARING

OCTOBER 9, 2026

On July 14, 2026, Student filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2026070692, Student's Case, naming Riverside Unified School District.

On August 19, 2026, OAH granted the parties' joint request for mediation and continuance.

On September 29, 2026, Riverside filed a Request for Due Process Hearing in OAH case number 2026100034, Riverside's Case, naming Student.

On October 1, 2026, OAH granted Riverside's Motion to Consolidate and request for continuance, setting the consolidated matter's prehearing conference on October 19, 2026, and hearing on October 27, 28, and 29, 2026.

On October 9, 2026, the parties filed a request for a second mediation on October 27, 2026, and continuance of hearing to December 8, 9, and 10, 2026, to allow the parties to mediate the consolidated matters as the first mediation predated Riverside's request for due process.

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 established good cause for a second mediation and for a brief continuance to accommodate the requested mediation. However, the parties did not establish good cause to continue the case to December 2026. Accordingly, the requests for a second mediation and continuance are granted. The new dates are:

MEDIATION will be held on October 27, 2026, 1:30 PM to 5:00 PM.

PREHEARING CONFERENCE will be held on November 6, 2026, at 1:00 PM.

DUE PROCESS HEARING will be held on November 17, 18, and 19, 2026.

The mediation, 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.

Rita Defilippis

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings