BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026090247

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING DUE PROCESS HEARING

OCTOBER 27, 2026

On October 27, 2026, the parties jointly filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH.

Student recently retained counsel on October 23, 2026. Student contends counsel requires a brief continuance to allow her retained counsel to prepare for the due process hearing. San Diego did not object to the continuance request and identified their own scheduling conflicts for the remainder of the calendar year.

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:

- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Student established good cause to continue the due process hearing. Parties did not establish good cause for a two-and-a-half-month continuance. The mere scheduling of another due process hearing does not support continuing the matter into the new year.

The request is granted, but not for the length of time requested. Student's law firm accepted representation with a full understanding of their current litigation demands. Good cause supports a brief continuance of 30 days to allow counsel to get up to speed on the case. A full prehearing conference was held in this matter on October 19, 2026. No additional prehearing conference is needed.

DUE PROCESS HEARING will be held on December 1 through 3, 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.

Tiffany Gilmartin

Tiffany Gilmartin
Administrative Law Judge
Office of Administrative Hearings