BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

SEQUOIA UNION HIGH SCHOOL DISTRICT,

OAH CASE NUMBER 2023110714

OAH CASE NUMBER 2024010672

ORDER GRANTING REQUEST FOR CONTINUANCE OF HEARING AND SETTING HEARING

AUGUST 27, 2024

On August 27, 2024, the parties filed a joint request to continue the due process hearing with the Office of Administrative Hearings, called OAH. The parties' request states they reached a settlement agreement in March 2024. Thereafter, Student's attorney promptly set a hearing in San Mateo Superior Court seeking approval of a minor's compromise for August 13, 2024. However, on August 13, 2024, the San Mateo Superior Court continued that hearing for approval of a minor's compromise to August 28, 2024. Because of the San Mateo Superior Court's continuance of that hearing date, the parties now request to continue the hearing before OAH to September 24, 2024,

through September 26, 2024, so they can avoid incurring further attorneys' fees needed to prepare for the hearing before OAH.

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 to continue the due process hearing. The requested continuance of hearing dates will allow the parties to avoid incurring further attorney's fees to prepare for a hearing before OAH if the San Mateo Superior Court approves the settlement agreement by and between the parties. Therefore, the parties' request for a twenty-day continuance of the OAH hearing is granted. All previously scheduled dates are vacated.

THE DUE PROCESS HEARING will be held on September 24, 2024, through September 26, 2024.

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.

Christine Arden

Christine Arden
Administrative Law Judge
Office of Administrative Hearings