BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

DEL NORTE COUNTY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025060348

OAH CASE NUMBER 2025070242

ORDER GRANTING REQUEST FOR CONTINUANCE IN PART DENYING MOTION FOR SANCTIONS

OCTOBER 20, 2025

On October 15, 2025, Del Norte Unified School District, called Del Norte, filed a request to continue the due process hearing, with a declaration, with the Office of Administrative Hearings, called OAH. On October 16, 2025, Student opposed the motion and requested sanctions.

Del Norte contends the hearing should be continued because of the unavailability of its attorney. Del Norte's attorney was in hearing the second week of October 2025, for OAH Case number 2025070266. On October 14, 2025, OAH ordered additional date for that hearing, including October 21, and 22, 2025, which conflicts with

the dates set for this matter. Del Norte met and conferred with Student prior to filing the request.

Student opposed the motion on the grounds Student is entitled to a timely resolution for this matter and requests sanctions because Del Norte's motion was not filed three business easy prior to the October 13, 2025 prehearing conference for this matter.

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).)

In certain circumstances, an Administrative Law Judge presiding over a special education proceeding is authorized to shift expenses from one party to another, or to OAH. (Gov. Code, §§ 11405.80, 11455.30; Cal. Code. Regs., tit. 5, § 3088; see *Wyner ex rel. Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1029 ["Clearly, [California Code of Regulations] § 3088 allows a hearing officer to control the proceedings, similar to a trial judge."].) Only the Administrative Law Judge presiding at the hearing may place expenses at issue. (Cal. Code. Regs., tit. 5, § 3088, subd. (b).)

Student did not establish good cause for OAH to sanction Del Norte. OAH ordered additional dates for case number 2025070266 after the prehearing conference for this matter. Therefore, it was not possible for Del Norte to request the continuance three business three days prior to the prehearing conference, as asserted by Student. Del Norte immediately notified Student upon learning of the conflict and attempted to meet and confer with Student to mutually agree to new hearing dates. This conduct was reasonable and does not necessitate sanctions. Student's request is denied.

Del Norte established good cause to continue the due process hearing based upon the unavailability of its attorney. However, Del Norte failed to establish why a

three-month continuance was warranted. Consequently, the dates requested by Del Norte have been changed so this matter may be addressed in a timely manner.

The request is granted, but not for the length of time requested. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on November 21, 2025, at 10:00 AM.

The prehearing conference will be held by videoconference. 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. Student's October 15, 2025, objection to the statement of issues contained in OAH's October 14, 2025 Prehearing Conference Order will be addressed at the November 21, 2025 prehearing conference.

DUE PROCESS HEARING will be held on December 2, 2025, through December 3, 2025.

The due process hearing will be held by videoconference. 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, except for December 4, 2025, 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.

Paul Kamoroff

Paul H Kamoroff
Administrative Law Judge
Office of Administrative Hearings