BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120515

# ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING

JANUARY 13, 2026

On January 13, 2026, the parties filed a joint request to continue the due process hearing with the Office of Administrative Hearings, OAH, due to the unavailability of counsel for Simi Valley due to her representation in previously filed due process matters with hearing dates that conflict with the hearing dates in this matter. The request for continuance was supported by the sworn declaration of Simi Valley's counsel. This is the parties' first request for continuance.

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 prehearing conference and hearing. Simi Valley's counsels' sworn declaration established her unavailability for

hearing due to her representation in a previously filed due process hearing currently set for hearing on the same dates as this matter. Cases filed first in time proceed to hearing before later filed cases when hearing dates conflict. The sworn declaration also established the first dates Simi Valley's counsel is available for hearing in this matter are February 17, 18, and 19, 2026. Accordingly, the request is granted. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on February 6, 2026, at 3:00 PM.

DUE PROCESS HEARING will be held on February 18 and 19, 2026. The parties' requested date for the first day of hearing is denied due to the preceding holiday.

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.

*Rita Defilippis*

Rita Defilippis
Administrative Law Judge
Office of Administrative Hearings