BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SELMA UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025040745

ORDER GRANTING STUDENT'S REQUEST FOR CONTINUANCE

MAY 7, 2025

On May 7, 2025, Parent, on behalf of Student, filed a request for a continuance and a request for a reasonable accommodation with the Office of Administrative Hearings, OAH, which, if granted, would necessitate the continuance of the hearing. OAH has not been able to contact Parent as part of the interactive process called for under the Americans with Disabilities Act, ADA. As this was filed as a motion, it was required to be served on Selma Unified. No proof of service was attached. Parent has been notified on several occasions that any motion filed with OAH must be served on Selma Unified contemporaneously and include a proof of service. Any further filing without a proof of service risks sanctions.

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).)

Good cause to continue the due process hearing for one day exists so that OAH may engage in the interactive process with Parent.

Unless otherwise ordered by OAH, the hearing in this matter is continued to May 8, 2025, at 9:30 AM. The due process hearing will be held by videoconference. The hearing will continue day to day, as needed, Mondays and Fridays included, at the discretion of the Administrative Law Judge.

Further, Parent shall make themselves available on May 7, 2025, by phone to speak to the OAH ADA Coordinator regarding Parent's reasonable accommodation request. Parent's unavailability shall be grounds to deny the request.

IT IS SO ORDERED.

Joy Redmon

Joy Redmon
Presiding Administrative Law Judge
Office of Administrative Hearings