BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ALAMITOS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025030050

ORDER GRANTING REQUEST FOR CONTINUANCE OF DUE PROCESS HEARING

SEPTEMBER 2, 2025

On September 2, 2025, the parties filed a request to continue the due process hearing with the Office of Administrative Hearings, on the ground that counsel for both parties will be in hearing in an earlier-filed case, OAH Case No. 2025020732. That matter is now scheduled to continue through the hearing dates set in this matter. Case No. 2025020732 requires the participation of both counsel, the same parents and the same district because it concerns a sibling of Student in 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).)

The parties have established good cause to continue the due process hearing, because the continuing due process hearing in which they are involved is entitled to

priority on the calendar. However, the parties are cautioned that this is the third continuance in this matter, which was filed in March 2025. OAH does not contemplate continuing the matter again absent extraordinary circumstances.

The parties have submitted the details of their calendars between the dates currently set for hearing and the dates set below. It is not certain that OAH Case No. 2025020732 will be completed on the dates currently set, and when it is completed, counsel for the parties will be required to write and file closing briefs. In addition, both counsel have conflicting settings in other OAH matters until the end of October.

The request for a continuance is granted. The due process hearing dates now scheduled in this matter are vacated. The new dates are:

DUE PROCESS HEARING will be held on October 28, 29, and 30, 2025.

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.

Charles Marson

Charles Marson
Administrative Law Judge
Office of Administrative Hearings