BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025100303

ORDER GRANTING REQUEST FOR SECOND CONTINUANCE AND SETTING PREHEARING CONFERENCE AND DUE PROCESS HEARING

DECEMBER 22, 2025

On October 8, 2025, Parent on behalf of Student filed a request for due process hearing with the Office of Administrative Hearings, called OAH, naming San Francisco Unified School District, called San Francisco. On October 28, 2025, OAH granted the parties' first joint request for a mediation and continuance of the due process hearing. OAH set the prehearing conference for January 2, 2026, and a due process hearing for January 13, 14, and 15, 2026. On December 3, 2025, the parties participated in mediation but were unable to resolve the dispute.

On December 16, 2025, San Francisco filed a notice of representation for its newly acquired attorney for this matter.

On December 19, 2025, the parties filed a second request to continue the due process hearing. The parties argue San Francisco's attorney needs a brief period of time to prepare the case for hearing. The parties also state they would like to convene an individualized education program, called IEP, team meeting in January 2026, to review a functional vision assessment that Student's attorney learned about for the first time at the December 3, 2025, mediation.

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 for a brief second continuance of the due process hearing. San Francisco recently obtained an attorney, who needs an opportunity to prepare for the due process hearing. Additionally, the parties agree that the January 2026 IEP team meeting may allow the parties to resolve the matter.

The request is granted. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on February 13, 2026, at 10:00 AM. The parties' requested date of February 9, 2026, is not available due to statewide training for administrative law judges.

DUE PROCESS HEARING will be held on February 24, 2026, through February 26, 2026.

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.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings