BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026030603

ORDER GRANTING SECOND REQUEST FOR CONTINUANCE

JUNE 25, 2026

On March 11, 2026, Student filed a request for due process hearing with the Office of Administrative Hearings, OAH. On April 13, 2026 the parties jointly requested a continuance to allow them to mediate the matter. OAH granted the request and set the mediation for June 18, 2026, and the due process hearing for August 11, through 13, 2026. On June 24, 2026, the parties jointly requested a second continuance of the Prehearing Conference to October 14, 2026, and the Due Process Hearing to October 27-29, 2026.

The basis of the joint request was to allow the Parties to participate in a Settlement Conference on August 31, 2026 in the United States District Court, Northern

District of California, to attempt to resolve both this matter and Student's appeal of the Decision in a prior OAH due process hearing in OAH Case Number 2024070468.

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 due process hearing to enable them to participate in the court proceedings concerning this and the related prior OAH matter. However, since the settlement conference is scheduled for August 31, 2026, the length of the requested continuance to October 27, 2026 is not warranted. The parties contend their counsel are unavailable on certain dates in September and October due to the pendency of other OAH cases, but as those cases may or may not proceed to hearing, their mere pendency is not good cause for a continuance. The parties further request that certain dates in September and October be blocked due to unspecified "personal commitments," but without more information it cannot be determined whether these constitute good cause. Moreover, there do not appear to be any stated personal conflicts for the dates selected below.

The request is therefore granted, but not for the length of time requested. The new dates are:

PREHEARING CONFERENCE will be held on September 14, 2026, at 1:00 PM.

DUE PROCESS HEARING will be held on September 22, 2026 through September 24, 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.

June Lehrman

June Lehrman
Administrative Law Judge
Office of Administrative Hearings