BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

V.

CUPERTINO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026010399

ORDER DENYING STUDENT'S REQUEST FOR A SECOND CONTINUANCE OF NON-EXPEDITED PREHEARING CONFERENCE AND HEARING

APRIL 9, 2026

On April 3, 2026, Student filed a request for a second continuance of the non-expedited due process hearing with the Office of Administrative Hearings, OAH. On April 8, 2026, Cupertino Union School District opposed the request.

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).)

Student contends the hearing should be continued because Parent is unable to appear at the scheduled prehearing conference, set for April 23, 2026, at 3:00 PM because Parent needs to pick up his children from school. Also, Parent claims to be involved in multiple legal matters, which keeps him from preparing and attending the

April 21, 2026 hearing. Parent also asserts that he is searching for an attorney, but offered no further explanation. Cupertino contends the hearing should not be continued because Parent has not demonstrated good cause.

Student motioned for an initial continuance of the non-expedited hearing, which OAH granted at the February 23, 2026 prehearing conference. OAH issued the Order Following Prehearing Conference, informing Parent of the continued dates. Parent has had six weeks to arrange for his children's retrieval from school. Any parent, with or without representation, must arrange for their child's care or transportation while the parent attends the prehearing conference and hearing. Parent has not provided any reason for not having done so and, therefore, has not shown good cause for the continuance.

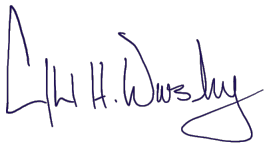
Parent also claims to be involved in multiple legal matters, which are preventing him from preparing and appearing at the prehearing conference and hearing on Student's non-expedited issues. But Parent provided no details with which to evaluate Parent's assertion. Student has no other due process proceedings with OAH, other than this pending matter on non-expedited issues. If there are other legal matters in other courts, Parent has failed to identify them and offer why they prevent Parent from attending and prosecuting Student's case, as scheduled. Parent's claims of other legal matters do not demonstrate good cause for a continuance.

Finally, Parent claims to be searching for an attorney. However, Parent has a long history of filing due process complaints against Cupertino, eight this past year. Student's complaints have contained expedited and non-expedited issues. And though Student has proceeded to hearing on some of the cases' expedited issues, like here, Parent has failed to prosecute or dismissed the non-expedited issues before hearing. Parent has never been represented by counsel in any of these actions. Twice before

Parent asked for continuances in the prior matters, because he claimed to be searching for an attorney. However, Parent never verified that he actually searched for an attorney. Similarly, here Parent has not provided any evidence – letters, texts, phone logs, sworn testimony – that supports Parent's assertion that he has been contacting counsel in a search for representation.

Here, Student has failed to demonstrate good cause for a second continuance of the hearing on this matter's non-expedited issues. The request is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.



Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings