BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

GUSTINE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120594

ORDER GRANTING REQUEST FOR CONTINUANCE

FEBRUARY 10, 2026

On February 10, 2026, Student filed a request to continue the due process hearing with the Office of Administrative Hearings, called OAH. On February 10, 2026, Gustine Unified School District opposed the request.

Student contends the hearing should be continued for one week because Parents are unavailable to attend the hearing on the currently scheduled dates, February 11, and 12, 2026, due to Father's emergent medical issue. Mother is unavailable to attend the hearing because she is caring for Father, and both must attend Father's medical appointment on February 12, 2026.

Gustine contends the hearing should not be continued because Student's counsel did not attempt to meet and confer prior to filing the request for continuance.

Moreover, Gustine has a school break during the week of February 16, 2026, and staff are not under contract. Therefore, Gustine's counsel cannot compel their testimony at that time. Additionally, Gustine's counsel has a scheduling conflict with a hearing scheduled in OAH Case Number 2026010183, on February 24, 25, and 26, 2026. Gustine argues Parents should attend the hearing virtually and take breaks, as needed. Gustine further argues Father may attend his medical appointment in a way that does not involve Mother, or schedule the appointment in a manner that does not conflict with the hearing schedule. In the alternative, Gustine requests that the hearing be continued to March 3, 2026.

At the prehearing conference on January 30, 2026, the parties were informed that any motion not filed at least three business days prior to the prehearing conference must establish good cause why the motion was not timely filed. Student's counsel became aware of Parent's unavailability on February 9, 2026. Student established good cause for the late filing.

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 established good cause to continue the hearing based on Father's medical issue. Father's medical issue was recently and unexpectedly exacerbated, and Father scheduled the first available medical appointment, which conflicts with the scheduled hearing dates.

Gustine's argument that it would be unable to participate in a hearing scheduled during the week of February 16, 2026, is unpersuasive. In its prehearing conference statement, Gustine anticipated that this matter would take eight days to adjudicate, and issued several subpoenas for testimony on February 17, 2026. Therefore, it anticipated participating in a hearing during its school break.

Further, OAH Case Number 2026010183 is a later-filed case. Thus, a hearing in this matter takes precedence.

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

DUE PROCESS HEARING will be held on February 18, and 19, 2026.

Due process hearings are not scheduled to commence on the day after a holiday, Presidents' Day.

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, 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.

Jeanie Min

Jeanie Min
Administrative Law Judge
Office of Administrative Hearings