BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

ESCONDIDO UNION HIGH SCHOOL DISTRICT,

OAH CASE NUMBER 2025120666

ORDER GRANTING JOINT REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING DATES

DECEMBER 18, 2025

On December 4, 2025, the Office of Administrative Hearings received notice of the United States District Court, Southern District of California's, order remanding the undersigned Administrative Law Judge's June 18, 2024 Decision. The Office of Administrative Hearings is referred to as OAH. An Administrative Law Judge is referred to as an ALJ. On December 17, 2025, OAH issued a scheduling order, setting a prehearing conference, or PHC, for December 22, 2025 and hearing for December 30 and 31, 2025.

On December 17, 2025, after the close of business, the parties filed a joint request to continue the due process hearing in the remanded matter. The parties contend the hearing should be continued because of holiday travel unavailability and an impacted hearing schedule for Escondido's attorneys.

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 in the holiday related unavailability for Student's and Escondido's counsel, and for potential hearing witnesses over the holiday break. Escondido's counsel's offices are closed from December 25, 2025 through January 1, 2026. Student's counsel, Wendy Dumlao, will be out of the state from December 29, 2025 thorough January 2, 2026. Escondido is closed for winter recess between December 20, 2025 through January 6, 2026, and many potential District witnesses are unavailable during the holiday period. Additionally, Escondido's counsel established good cause for their unavailability arising from their impacted hearing calendars from early January through early February.

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

PHC will be held on Friday, February 6, 2026, at 10:00 AM. The parties shall submit timely PHC statements, including written argument on whether a hearing is required and whether additional evidence, or oral argument, should be entertained should the matter proceed to hearing. These matters will be discussed at the PHC.

DUE PROCESS HEARING will be held on February 18, 2026, through February 19, 2026. The parties' requested hearing date of Tuesday, February 17, 2026 is not available as it is the day following the observance of the President's Day holiday on Monday, February 16, 2026.

The PHC 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 ALJ. PHC statements and motions are due to OAH no later than three business days before the PHC. 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.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings