BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGUITO UNION HIGH SCHOOL DISTRICT

AND

SAN DIEGO COUNTY OFFICE OF EDUCATION

OAH CASE NUMBER 2025030093

ORDER FOLLOWING PREHEARING CONFERENCE

GRANTING REQUEST FOR CONTINUANCE

APRIL 10, 2025

On April 7, 2025, Administrative Law Judge Thanayi Lindsey, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC. Attorney Meagan Nunez, appeared on behalf of Student. Attorney Madisyn Aleshire, appeared on behalf of San Dieguito Union High School District. Attorney Sundee Johnson appeared on behalf of San Diego County Office of

Education. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

REQUEST FOR CONTINUANCE

On April 2, 2025, Student and San Diego County Office jointly requested to continue the due process hearing to commence on June 10, 2025 based on scheduling conflicts due to other earlier filed OAH cases. On April 4, 2025 San Dieguito opposed the requested continuance on the grounds that, given prior delays, this case should be resolved before the end of the current school year. On April 7, 2025, Student's attorney filed a declaration. Student's attorney's declaration is being treated as a reply to San Dieguito's opposition to the request for continuance. Student's reply clarified the circumstances leading to the continuance request.

At the PHC, Student's attorney explained that she will be unavailable for a hearing beginning April 15, 2025, because of a preexisting, prepaid trip out of the country. Student and San Diego County Office contend June 10, 2025, is the first available date because of scheduling conflicts with several earlier filed OAH matters. San Dieguito does not oppose a continuance, so long as the hearing will be scheduled before May 30, 2025. The attorneys' conflicts due to earlier filed OAH cases were confirmed by the undersigned.

At the PHC, Student's attorney confirmed that she will be unavailable for the due process hearing currently scheduled to begin April 15, 2025, due to out-of-the country travel from April 12 to April 17, 2025. Additionally, Student's attorney will be unavailable the weeks of April 22, May 6, May 13, and May 20 2025 due to scheduling conflicts with other earlier filed OAH matters. Student's attorney will not have alternate coverage for each for these hearing dates.

San Diego County Office's attorney will be unavailable the weeks of April 29, May 28, and June 3, 2025 due scheduling conflicts with other earlier filed OAH matters. Although San Dieguito's attorney will be unavailable the week of May 20, 2025 and will have alternate coverage, however, Student's attorney who is also unavailable will not have alternate coverage.

The motion was timely filed three days prior to the prehearing conference.

OAH must conduct a due process hearing and render a decision within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Student's attorney is unavailable the weeks of April 15, April 22, May 6, May 13, and May 20 2025 due to scheduling conflicts. San Diego County of Office's attorney is unavailable on April 29, May 28, and June 3, 2025 due scheduling conflicts. The request for continuance to commence the hearing on June 10, 2025 is granted for good cause. All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on May 30, 2025 at time 3:00 PM.

All other prehearing matters shall be addressed at the May 30, 2025 PHC. All prehearing motions must be filed three business days before the PHC.

Due Process Hearing: June 10, 11, and 12, 2025.

The hearing will be conducted via videoconference or telephone and shall begin at 9:30 AM and end at 3:30 PM on all days, Mondays and Fridays are included, unless otherwise ordered. The hearing shall continue day to day at the discretion of the ALJ.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses, if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed.

SETTLEMENT

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a settlement within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880.

If a full and final written settlement agreement is reached after 5:00 PM the day before the hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH at https://www.applications.dgs.ca.gov/oah/oahsftweb.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different

arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

IT IS SO ORDERED.

Thanayi Lindsey
Thanayi Lindsey (Apr 10, 2025 11:51 PDT)

Thanayi Lindsey
Administrative Law Judge
Office of Administrative Hearings