BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DEL NORTE COUNTY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024120263

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING DUE PROCESS HEARING

JANUARY 17, 2025

On January 14, 2025, Del Norte County Unified School District, called Del Norte, filed a request to continue the due process hearing with the Office of Administrative Hearings, called OAH. On January 17, 2025, Parents on behalf of Student, called Student, filed a non-opposition.

Del Norte contends the hearing should be continued because the parties are engaged in another due process hearing, *Del Norte County Unified School District v. Parents on behalf of Student*, OAH case number 2024110598, which commenced on January 7, 2025, and is expected to continue through January 22, 2025. The first date of the hearing in this matter is January 22, 2025.

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).)

Del Norte established good cause to continue the due process hearing due to the unavailability of both parties. Day seven of the due process hearing in OAH case number 2024110598 is scheduled for January 22, 2025, the same as day one of this matter. Due process hearing that have already begun takes calendaring precedence over matters that have not yet begun. OAH case number 2024110598 is also currently scheduled for hearing on January 23, 2025, and January 28, 2025.

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

DUE PROCESS HEARING will be held on February 4, 2025, through February 6, 2025.

The due process hearing will be held by videoconference 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.

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.

Cararea Lucier

Cararea Lucier
Administrative Law Judge
Office of Administrative Hearings