BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT

AND

SAN DIEGO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025090144

OAH CASE NUMBER 2025050402

ORDER GRANTING REQUEST TO RESCHEDULE MEDIATION AND CONTINUE PREHEARING CONFERENCE AND HEARING

JANUARY 6, 2026

On September 3, 2025, Student filed a request for due process hearing with the Office of Administrative Hearings, OAH, naming San Diego Unified School District. On October 9, 2025, OAH granted the parties' joint request, and set mediation for November 24, 2025, the prehearing conference for January 12, 2026, and hearing for January 21, and 22, 2026.

On November 21, 2025, Student canceled the mediation because of the unforeseen unavailability of their counsel. On January 5, 2026, Student filed a request to reschedule the mediation and continue the hearing for one month. On January 6, 2026, San Diego Unified filed notice of non-opposition to Student's 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 represented that the parties have been in communication regarding rescheduling the mediation and dates for a short continuance. San Diego Unified responded that it agrees to the suggested mediation and continuance dates. Both Student and San Diego Unified expressed confidence that a mediation will avoid unnecessary litigation, referring to successful resolution of a prior matter.

The parties have demonstrated a reasonable basis for rescheduling the mediation. Also, Student has demonstrated good cause, with the agreement of San Diego Unified, for a short continuance of the hearing, in light of the parties' good faith desire to mediate.

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

MEDIATION will be held on January 27, 2026, 9:00 AM to 4:30 PM.

PREHEARING CONFERENCE will be held on February 13, 2026, at 3:00 PM.

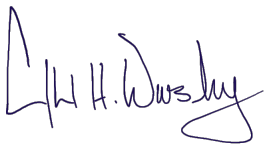
DUE PROCESS HEARING will be held on February 24, 25, and 26, 2026.

The mediation, prehearing conference, 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 Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference. 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.



Clifford H. Woosley
Administrative Law Judge
Office of Administrative Hearings