BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SEQUOIA CAREER ACADEMY

AND

MENDOCINO COUNTY SELPA

OAH CASE NUMBER 2026020346

ORDER FOLLOWING PREHEARING CONFERENCE

GRANTING REQUEST FOR CONTINUANCE

MARCH 10, 2026

On March 6, 2026, Administrative Law Judge Thanayi Lindsey, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Parent, appeared on behalf of Student. Attorneys Erica Shubin and Ashley DeVance appeared on behalf of Sequoia Career Academy. Sequoia Career Academy is

called Sequoia. Attorney Jennifer Nix appeared on behalf of Mendocino County Special Education Local Plan Area, called Mendocino. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

On February 3, 2026, Parent on Student's behalf, filed with the OAH a request for due process hearing, called a complaint, naming Sequoia and Mendocino. On February 9, 2026, OAH scheduled the due process hearing for March 17, 2026, and the PHC for March 6, 2026. On March 3, 2026, Mendocino filed a motion for continuance of the due process hearing contending the director of special education will be unavailable from March 18 through 20, 2026 to attend a pre-planned special education conference. Mendocino argued that as the designated representative for hearings, the director's attendance will be essential and necessary for all hearing dates.

Mendocino proposed the new hearing dates for May 19, 20, and 21, 2026. Mendocino argues May 19 is the closest hearing date because of current OAH scheduling protocols and Mendocino's attorney scheduling conflicts through April 28, 2026, due to previously filed OAH cases, OAH case numbers 2026010399 and 2025121102. Mendocino further argues that these earlier filed cases will likely go to hearing and each has a long and complex procedural history that only Mendocino's attorney in this case could handle. Moreover, the director will be unavailable on May 5, 2026, due to a SELPA conference and Mendocino's attorney will be unavailable on May 12 and 13, 2026 because of a pre-scheduled training conference. This is the parties' first continuance.

On March 3, 2026, Student filed with OAH an opposition to Mendocino's motion for continuance. Student contends a long continuance could potentially prejudice

Student from receiving much needed special education and related services. Moreover, Student contends the special education director should testify on May 17, 2026, and attend all hearing dates remotely via Zoom while attending the conference. Student contends Mendocino's request was a delay tactic.

On March 4, 2026; Sequoia filed a notice of non-opposition to the motion for continuance.

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).)

Mendocino established good cause to continue the due process to May 19, 20, and 21, 2026 based on the pre-existing scheduling conflicts of its party representative and counsel through the week of May 13, 2026. This is the parties' first request for continuance, but this ALJ admonished the parties that the length of this continuance may be considered in analyzing any future requests for continuance of the due process hearing. As such, the request for continuance of the due process hearing is granted. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on May 8, 2026, at 3:00 PM.

All other prehearing matters shall be addressed at the May 8, 2026, PHC. All prehearing motions must be filed three business days before the May 8, 2026, PHC.

Due Process Hearing will be on May 19, 20, and 21, 2026.

The hearing will be conducted via telephone or videoconference and shall begin at 9:30 AM and end at 3:30 PM on all days, 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.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

Thanayi Lindsey
Thanayi Lindsey | Mar 10, 2026 15:14:20 PDT

Thanayi Lindsey

Administrative Law Judge

Office of Administrative Hearings