BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ROSS VALLEY SCHOOL DISTRICT AND MARIN COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2026010062

ORDER GRANTING REQUEST FOR RECONSIDERATION AND GRANTING CONTINUANCE REQUEST

JUNE 8, 2026

On May 21, 2026, the undersigned Administrative Law Judge, or ALJ, issued an order partially granting the parties' joint continuance request. The ALJ modified the parties' request because the parties failed to establish good cause for the lengthy continuance. The Order allowed the parties to resubmit the continuance request with a declaration establishing good cause for the lengthy continuance. On June 1, 2026, Ross Valley School District and Marin County Office of Education filed a motion for reconsideration of the continuance order and request to grant the lengthy continuance, along with declarations from both Ross Valley's and Marin County's special education

directors, 12 days after receiving the denial. Student filed a response on June 2, 2026, stating Student is prepared to proceed on the hearing dates currently scheduled by the Office of Administrative Hearings, called OAH.

OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within 10 days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances, or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

On December 26, 2025, Student filed a request for due process hearing, called a complaint, naming Ross Valley and Marin County. On December 31, 2025, Student filed a second complaint with more information. OAH construed Student's second complaint as a motion to amend and granted it during the April 13, 2026, prehearing conference.

On May 7, 2026, Student filed a second motion to amend and amended complaint. OAH granted Student's motion to amend on May 11, 2026, and set the hearing to begin on June 16, 2026.

On May 20, 2026, the parties filed a joint motion to continue this matter to August 25, 2026, based on witness unavailability. The parties provided good cause for a continuance to August 11, 2026, but not to August 25, 2026.

Ross Valley's and Marin County's motion for reconsideration established that both Ross Valley and Marin County have staff training on August 11, through August 13, 2026, that their respective special education directors will be leading. Ross Valley and Marin County did not need to file a motion for reconsideration, the parties only needed

to file another continuance request with good cause. However, Ross Valley's and Marin County's motion and declaration offers an explanation and new facts that warrant reconsideration. The motion for reconsideration is granted.

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).)

Ross Valley and Marin County established good cause for a short, one week, continuance. The unavailability of the special education directors for Ross Valley and Marin County constitutes good cause. However, Ross Valley and Marin County did not provide good cause for a two-week continuance. Ross Valley and Marin County did not provide any reason why they are unavailable to begin a due process hearing on August 18, 2026. If either Ross Valley, Marin County, or Student has a conflict with a due process hearing on August 18, 2026, the party with the conflict is to immediately file a new request for continuance. A request for reconsideration is not necessary.

All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on August 7, 2026, at 1:00 PM.

All other prehearing matters shall be addressed at the August 7, 2026, prehearing conference. All prehearing motions must be filed three business days before the prehearing conference.

DUE PROCESS HEARING will be held on August 18, through August 20, 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 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.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings