BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

WALNUT VALLEY UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2026031218

OAH CASE NUMBER 2026020438

ORDER GRANTING REQUEST FOR CONTINUANCE

MAY 7, 2026

May 7, 2026, Student filed a request to continue the due process hearing with the Office of Administrative Hearings, called OAH. OAH did not receive a response from Walnut Valley Unified School District prior to ruling.

Student contends the hearing should be continued because Parent, who is representing Student in this matter, suffered a significant medical injury which required emergency medical care. Student requests the hearing be continued to allow Parent to participate after recovering from her injury. Student supported his motion with documentation of Parent's receipt of emergency medical care.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include:

- the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances;
- substitution of an attorney when the substitution is required in the interests of justice;
- a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or
- another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing.

(Ed. Code, § 56505, subd. (f)(3); Cal. Rules of Court, rule 3.1332(c).)

OAH considers all relevant facts and circumstances, including:

- the proximity of the hearing date;
- previous continuances or delays;
- the length of continuance requested;
- the availability of other means to address the problem giving rise to the request;
- prejudice to a party or witness as a result of a continuance;
- the impact of granting a continuance on other pending hearings;
- whether trial counsel is engaged in another trial;
- whether the parties have stipulated to a continuance;

- whether the interests of justice are served by the continuance or imposing conditions on the continuance; and
- any other relevant fact or circumstance.

(Cal. Rules of Court, rule 3.1332(d).)

Student has established good cause to continue the matter, due to Parent's unexpected injury and need for time to recover. Parent is both Student's representative and a witness in this matter. Accordingly, Student's request is granted.

All previously scheduled dates are vacated. This matter shall proceed as follows:

DUE PROCESS HEARING will be held on May 20, 21, and 22, 2026.

The 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, called an ALJ.

This continuance will also allow Walnut Valley to present two additional witnesses, who were unavailable during the initially scheduled hearing dates, due to their own medical needs, as reflected in Walnut Valley's motion filed April 30, 2026. The parties and the ALJ previously discussed Walnut Valley's request on the record and the ALJ took the request under submission.

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.

Ashok Pathi

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings