

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENT ON BEHALF OF STUDENT,

v.

TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT AND SIERRA  
EXPEDITIONARY LEARNING SCHOOL.

OAH CASE NUMBER 2026050505

ORDER DENYING MOTION TO CONTINUE DUE PROCESS  
HEARING DATES

JULY 10, 2026

Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearing, called OAH, in May 2026. The complaint named Tahoe Truckee Unified School District, called Tahoe Truckee, and Sierra Expeditionary Learning School, called Sierra. OAH set the hearing to begin in this matter on June 23, 2026.

Pursuant to a notice of insufficiency, on May 19, 2026, OAH determined Student's complaint insufficient.

On May 21, 2026, Student filed a first amended complaint. OAH reset the timelines in this matter and set the hearing to begin on July 7, 2026.

On June 24, 2026, OAH granted a motion by Tahoe Truckee to continue the due process hearing based on the unavailability of the district representative. Although Tahoe Truckee requested a continuance through September 1, 2026, the district representative was only unavailable through July 12, 2026, and OAH set the due process hearing to begin on July 21, 2026.

On July 7, 2026, Tahoe Truckee filed another motion to continue hearing dates based on the unavailability of its lead counsel. That same day, Student filed an opposition.

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).)

Tahoe Truckee's motion is supported by the sworn declaration of one of its attorneys, who states that he is the "lead" attorney for Tahoe Truckee in this matter, and in six other OAH due process matters scheduled for hearing from July 21, through September 24, 2026. Tahoe Truckee requests hearing dates the last week of September or thereafter. Student's opposition argues Tahoe Truckee's motion is in bad faith and prejudicial to Student, who is entitled to a prompt resolution of her educational claims.

Of the six cases listed in the declaration supporting Tahoe Truckee's motion based on the unavailability of their lead attorney, the case number of the one purportedly scheduled for July 21, through 23, 2026, has a typographical error and the hearing dates cannot be confirmed. However, if the first six digits of the case number are correct, that case was filed in the month following Student's filing, and Student's hearing will have priority for going forward on July 21, through 23, 2026.

Of the five remaining cases in the declaration, the three in the following weeks do not establish the unavailability of the declaring attorney:

- August 4, through 6, 2026 – Another attorney is on the notice of representation for that case and appears to be the lead attorney;
- September 1, through 3, 2026 – A declaration in support of a motion to continue in that case states a different attorney is the lead attorney;
- September 22, through 24, 2026 – A declaration in support of a motion to continue in that case states a different attorney is the lead attorney.

As for the two cases in which Tahoe Truckee's attorney is the lead attorney scheduled for hearing August 18, through 20, and August 25, through 27, 2026, those cases may or may not proceed to hearing, and their mere pendency is not good cause for a continuance beyond those dates.

Tahoe Truckee did not establish good cause to continue the due process hearing. Accordingly, the motion to continue is denied.

IT IS SO ORDERED.

*Alexa Hohensee*

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings