

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

DELANO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026030394

ORDER GRANTING MOTION FOR A SECOND MEDIATION
AND DUE PROCESS HEARING CONTINUANCE AND
DETERMINING THE MOTION FOR RECONSIDERATION
MOOT

JULY 16, 2026

On July 7, 2026, the parties filed a joint request for a due process hearing continuance to October 13, 2026, due to the unavailability of both parties' counsel. On July 8, 2026, the undersigned issued an order granting a continuance to August 18, 2026, because the parties only established good cause for a continuance to that date.

On July 15, 2026, the parties filed a motion for reconsideration and in the alternative a motion for a second mediation on September 11, 2026, and due process continuance to October 20, 2026.

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; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See 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; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

The parties request for a second mediation to negotiate a settlement regarding issues in the first amended complaint is granted. However, the parties failed to establish good cause for the continuance length requested. Later-filed Office of Administrative Hearing cases and school breaks do not establish good cause for a continuance.

All current dates in this matter are vacated. Dates are set as follows:

MEDIATION: September 11, 2026, 9:00 AM to 4:30 PM.

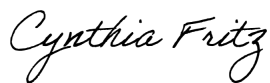
PREHEARING CONFERENCE: September 25, 2026, at 3:00 PM.

DUE PROCESS HEARING: October 6, 7, and 8, 2026.

The mediation, prehearing conference, and hearing, will be conducted via videoconference. The hearing will begin at 9:30 AM and end at 3:30 PM on all days, unless otherwise ordered. The hearing will continue day to day at the discretion of the ALJ. The parties must 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.

Given the order granting a second mediation and due process hearing continuance, the motion for reconsideration is moot. Due to the length of the continuance granted, no further continuances will be granted absent extraordinary circumstances.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings