

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CORONA-NORCO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026051154

ORDER DENYING REQUEST FOR CONTINUANCE OF NON-
EXPEDITED DUE PROCESS HEARING

AUGUST 17, 2026

On August 5, 2026, Student filed a request to continue the non-expedited due process hearing with the Office of Administrative Hearings, OAH. On August 6, 2026, Corona-Norco opposed the request.

The due process hearing in this matter was scheduled for August 4, 5, and 6, 2026. The ALJ convened the hearing as scheduled on the morning of August 4, 2026. No one appeared for Student. Corona-Norco declined to make any evidentiary showing and declined an opportunity to file a written closing argument. Corona-Norco moved to dismiss the matter due to Student's failure to participate. The motion was taken

under submission. The non-expedited due process hearing was then closed, and adjourned.

This motion to continue was not filed until 10:27 p.m. on August 4, 2026, which meant under OAH's normal procedures that it was deemed filed on August 5, 2026, the next business day. The non-expedited hearing had been concluded and adjourned well before Student filed this motion.

The motion was not timely filed. The hearing had been scheduled since July 3, 2026, to begin on August 4, 2026, as Parent knew. The grounds for Student's motion are that OAH on August 3, 2026, denied Student's motion to dismiss the matter without prejudice, and that this caught Parent by surprise when she returned home from work that day. This claim is not persuasive. On July 1, 2026, OAH had denied Student's earlier request to dismiss the remaining issues without prejudice on the ground that the hearing had begun and the complaint could therefore only be dismissed with prejudice. The order on August 3, 2026, merely repeated that ruling and could not have been a surprise to Parent.

Student now argues that Parent has no intention of abandoning his rights and wants a continuance so that she can hire an attorney and prepare for hearing. The instant motion is the first indication that Parent ever had any intention of participating in the non-expedited hearing. In the days and weeks before the beginning of the hearing on August 4, 2026, Parent chose at every opportunity not to prepare for or participate in the hearing. She did not file a prehearing conference statement or appear at the prehearing conference. She did not upload any exhibits. She did not return calls

from opposing counsel to arrange for a meet-and-confer session. And as noted above, she did not appear for the hearing itself. Her present assertion that she wishes to participate and hire an attorney contradicts all of her conduct prior to the filing of this motion.

Student claims that continuance is necessary because of “the complex procedural nature of the District’s recent August administrative updates and motions.” It is not clear what this means. In any event, no recent filings by Corona-Norco could justify granting this motion.

Parent has not always proceeded as a self-represented litigant. She had an attorney beginning on June 29, 2026, but that attorney withdrew on July 8, 2026. Parent then chose to proceed unrepresented rather than seek another attorney. The instant motion is Parent’s first request for time to find another attorney, although the ground for it, and the need for it, were apparent almost a month before the hearing began.

The motion to continue is also moot. The hearing had concluded before the motion was made, and when the motion was filed there were no proceedings left to continue aside from the writing of a decision by the ALJ. Parent now seeks to avoid this fact by purporting to waive the 45-day time limit for filing an opinion, but that time limit governs the participation of Corona-Norco and OAH as well as Student, and cannot be waived by Student alone.

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.

Student does not establish good cause to continue the hearing even if it was still under way. Parent has long known the facts underlying the reasons offered in support of the motion to continue.

Student's motion to continue the non-expedited hearing is denied.

IT IS SO ORDERED.

Charles Marson

Charles Marson

Administrative Law Judge

Office of Administrative Hearings