

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

NAVIGATOR SCHOOLS - HOLLISTER PREPARATORY SCHOOL.

OAH CASE NUMBER 2026060131

CORRECTED ORDER DENYING REQUEST FOR
CONTINUANCE

AUGUST 25, 2026

On June 2, 2026, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Navigator Schools – Hollister Preparatory School. On June 29, 2026, OAH granted the parties' request to continue the matter to September 9, 2026, and set a mediation date for August 5, 2026. On August 4, 2026, Student canceled the mediation. On August 24, 2026, the parties filed a second request to continue the due process hearing to November 3, 2026, so the parties could mediate.

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).)

The parties did not establish good cause for a lengthy second continuance. Although wanting to mediate is good cause for a continuance, this is a second

continuance and the parties did not establish why they were not able to agree on a rescheduled mediation date prior to the currently scheduled September 9, 2026, due process hearing date. Additionally, the parties requested mediation on September 18, 2026, and did not establish why they needed a second continuance of almost two months to November 3, 2026.

The request is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared. The parties may resubmit the request with a declaration establishing good cause for the lengthy second continuance.

IT IS SO ORDERED.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings