

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT

V.

DESERT SANDS UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026050536

ORDER DENYING REQUEST FOR SECOND MEDIATION
AND CONTINUANCE OF HEARING

AUGUST 26, 2026

On May 13, 2026, Student filed a request for due process with the Office of Administrative Hearings, called OAH, naming Desert Sands Unified School District. OAH issued a scheduling order, setting the hearing for June 30, 2026. On June 9, 2026, OAH granted the parties' joint request and set mediation for August 13, 2026, and continued the hearing to September 9 and 10, 2026.

On August 26, 2025, two days before the August 28, 2026 prehearing conference, the parties filed a joint motion for a second mediation and continuance of hearing.

The parties mediated on August 13, 2026, but did not fully resolve the Student's complaint. The parties seek a second mediation because IEP team meetings are

scheduled for August 31 and September 1, 2026, at which time the team will review four independent educational evaluations in psychoeducation, functional behavior, occupational therapy, and augmentative and assistive technology. The parties represent they have continued to negotiate in good faith but believe that a resolution cannot be reached until after the IEP team has reviewed the evaluations. The parties request that a second mediation be set for August 28, 2026 and the hearing be continued to November 17 through 19, 2026.

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.

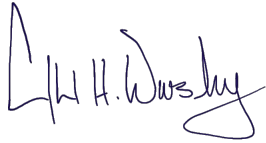
Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Since the parties have already had a mediation, which provided good cause for the hearing's initial continuation, the parties must demonstrate good cause for the continuance, as well as a reasonable basis for a second mediation.

Though the IEP team's review of four independent educational evaluations may be a reasonable basis for a second mediation, it is not good cause for a hearing continuance to November 17 through 19, 2026. The requested continued hearing dates are almost two months after the second mediation date and more than six months after the May 13, 2026 filing of Student's complaint. The parties did not establish good cause to continue the due process hearing to date which violates the IDEA public policy of efficient and timely hearings.

The request is denied. All prehearing conference and due process hearing dates are confirmed and will proceed as calendared.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Clifford H. Woosley". The signature is stylized with a large initial "C" and a long, sweeping underline.

Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings