

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

ORDER DENYING REQUEST FOR SECOND CONTINUANCE
OF HEARING

AUGUST 26, 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, because of Parent made a good faith calendaring error.

On August 24, 2026, the parties filed a request for a second continuance of the hearing to November 3, 2026, so the parties could mediate on September 18, 2026. On August 24, 2026, OAH denied the parties' joint motion to continue, stating they had failed to show good cause for continuing the hearing to November 2026.

On August 26, 2026, the parties' filed a motion to schedule the mediation for September 18, 2026, and continue the hearing to November 3, 2026. The motion asserts good cause exists for the continuance.

The parties state that they want to mediate but, to do so, they require a continuance of the hearing. As detailed in the attached declaration of Student' counsel, Daniel R. Shaw, the parties made great efforts to agree upon mediation and continued hearing dates. Because of the parties' and their attorneys' calendars, the only available dates were September 18, 2026, for mediation and November 3, 2026, for the continued hearing.

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.

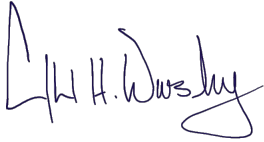
Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties have not established good cause for continuing the hearing to November 3, 2026, more than five months after the complaint's filing. The calendaring of due process hearings, and the likelihood of their proceeding, is not based upon a counsel's hearing schedule over more than two months.

Also, the assertion that the parties could not agree upon earlier dates is somewhat suspect. For example, the parties claim that September 18, 2026, was the earliest date that the proposed mediation could be scheduled because of their calendar conflicts. Yet, OAH granted the parties' June 29, 2026 joint request for mediation and continued the hearing to their requested dates of September 9 and 10, 2026. So, the parties have September 9 and 10, 2026 on their calendars for hearing. If this matter is continued, then the counsel no longer have to attend the scheduled hearing and September 9 and 10, 2026 are available for the mediation. Difficult to understand why they assert their calendar conflicts prevented them from mediating until September 18, 2026.

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