

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026071022

ORDER DENYING REQUEST FOR CONTINUANCE

AUGUST 31, 2026

On August 27, 2026, Folsom-Cordova Unified School District filed a request to continue the due process hearing with the Office of Administrative Hearings, OAH. Student did not file a response.

Folsom-Cordova contends the hearing should be continued because it recently retained counsel, on August 25, 2026, and it needs additional time to prepare for hearing. In addition, Folsom-Cordova asserts the "reframing" of the case around a child find issue at the prehearing conference, as well as Folsom-Cordova's interest in mediation and resolving this matter outside of hearing, merit a continuance. Finally, Folsom-Cordova asserts that a school nurse, who is an essential Folsom-Cordova witness in this case, is unavailable during the September 1, through 3, 2026, hearing dates, due to a pre-planned, pre-paid vacation.

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).)

Folsom-Cordova failed to establish good cause for a continuance. As set forth in the Scheduling Order for this case, which was served on the parties on July 24, 2026, the last day to file prehearing motions was August 19, 2026. Folsom-Cordova's motion to continue was filed on August 27, 2026. Accordingly, to establish good cause for a continuance, Folsom-Cordova was required to establish both good cause for the late filing and good cause for the continuance.

Folsom-Cordova's motion did not establish good cause for the late filing. Folsom-Cordova asserts that it retained counsel in this matter on August 25, 2026, and therefore, requires additional time to prepare for hearing. However, the late retention of counsel by Folsom-Cordova does not excuse or explain the failure of Folsom-Cordova to timely file a motion. Even if an explanation had been provided, here, a review of the substantive bases offered by Folsom-Cordova would not justify a continuance of the hearing.

In addition, any request for mediation must be mutual. No joint request for mediation has been made in this matter.

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

IT IS SO ORDERED.

Daniel Senter

Daniel Senter

Administrative Law Judge

Office of Administrative Hearings