

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DELANO UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026030394

ORDER GRANTING REQUEST FOR RECONSIDERATION,
GRANTING REQUEST TO CHANGE MEDIATION TIME,
DENYING MOTION TO CONTINUE

AUGUST 27, 2026

On July 16, 2026, the undersigned Administrative Law Judge issued an order granting a motion for a second mediation and due process hearing continuance, and determining the motion for reconsideration moot. On August 6, 2026, Student filed a motion to reconsider the order. Delano Union School District did not file a response.

RECONSIDERATION IS GRANTED.

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when

the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.) Student provided new facts to justify reconsideration. Thus, Student's reconsideration is granted.

STUDENT'S REQUEST TO CHANGE THE MEDIATION TIME IS GRANTED.

Currently, the second mediation date in this matter is set for September 11, 2026, from 9:00 AM to 4:30 PM. Student requests to change the mediation time to begin at 1:30 PM on the same day because of a conflict with a morning prehearing conference. Student's request is granted. The currently scheduled mediation time is vacated. The mediation will be set as follows:

MEDIATION: September 11, 2026, 1:30 PM to 5:00 PM

STUDENT'S REQUEST TO CONTINUE THE DUE PROCESS HEARING IS DENIED.

Currently, the due process hearing is set for October 6, 7, and 8, 2026. Counsel argued that she was unavailable on October 7 and 8, 2026, for court appearances in other jurisdictions. Thus, the hearing should be continued to the following week.

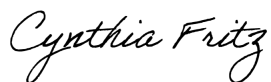
A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to

death, illness or other excusable circumstances; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).)

OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

Student failed to establish good cause for a due process hearing continuance. In the July 16, 2026 Order, the undersigned ALJ stated that due to the length of the continuance granted, no further continuances will be granted absent extraordinary circumstances. This case has been pending since March 6, 2026. Student's counsel is available to proceed on October 6, 2026. The hearing will proceed as calendared. On the first day of hearing, the remaining schedule will be discussed. Student's request for due process hearing continuance is denied.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Cynthia Fritz".

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings