BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

EARLIMART SCHOOL DISTRICT.

OAH CASE NUMBER 2026010501

ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING PREHEARING CONFERENCE AND HEARING

FEBRUARY 20, 2026

On January 13, 2026, Student filed a due process hearing request naming Earlimart School District with the Office of Administrative Hearings, called OAH. OAH scheduled the due process hearing for March 3 through 5, 2026.

On February 18, 2026, Earlimart filed a motion and supporting declaration to continue the due process hearing dates to April 14 through 16, 2026. Earlimart made its motion on grounds that its attorney for the hearing is unavailable for the March 3., 4, and 5 hearing dates due to a prescheduled medical procedure, and unavailable thereafter until April 14, 2026 due to conflicts with the hearing dates in five previously filed matters identified in Earlimart's moving papers.

On February 19, 2026, Student filed notice they did not oppose Earlimart's motion.

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 unavailability of a party's attorney because of death, illness, or other excusable circumstances.

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

Earlimart established establish good cause to continue the due process hearing based on the unavailability of its trial counsel due excusable circumstances including medical issues and conflicts with the hearing dates in previously-filed cases before OAH.

The request to continue the hearing is granted. All previously scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on April 3, 2026, at 3:00 PM.

DUE PROCESS HEARING will be held on April 14, 15 and 16, 2026.

The prehearing conference and due process hearing will be held by videoconference or telephone, unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, at the

discretion of the Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.



Robert G. Martin
Administrative Law Judge
Office of Administrative Hearings