BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

EARLIMART SCHOOL DISTRICT.

OAH CASE NUMBER 2026010501

OAH CASE NUMBER 2026031274

ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE, AND GRANTING DISTRICT'S MOTIONS TO CONSOLIDATE AND CONTINUE PREHEARING CONFERENCE AND DUE PROCESS HEARING

APRIL 8, 2026

On April 3, 2026, Administrative Law Judge Robert G. Martin, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Andrea Marcus appeared on behalf of Student. Attorneys Amanda Cordova & Anna Wood appeared on behalf of Earlimart School District, and Sophia Barker from their office also attended the PHC. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

DISTRICT'S MOTION TO CONSOLIDATE

On January 13, 2026, Student filed OAH case number 2026010501, naming Earlimart. (Student's Case.) Student alleges, among other things, that Earlimart denied Student a free appropriate public education in the 2025-2026 school year by failing to timely and appropriately assess Student in all areas of suspected disability, and by failing to offer Student adequate services and supports to address Student's needs in the areas of attention, behavior, and ability to access instruction in the school environment.

On March 17, 2026, Earlimart filed a Request for Due Process Hearing in OAH case number 2026031274, naming Student (District's Case). Earlimart seeks a determination that it appropriately conducted its psychoeducational evaluation of Student documented in a report dated September 11, 2025.

On March 27, 2026, Earlimart filed in both cases a motion to consolidate Student's Case and District's Case. At the PHC held in District's Case on April 3, 2026, Student's attorney confirmed on the record that Student did not oppose Earlimart's motion to consolidate.

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a)

[administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, both cases involve common questions of law or fact regarding the appropriateness of Earlimart's evaluations of Student used to develop Student's IEPs. Consolidation furthers the interests of judicial economy because resolution of the issues raised in the two cases will require evidence from many of the same documents and witnesses. Earlimart's unopposed motion to consolidate was therefore granted at the PHC, as described at the end of this order.

DISTRICT'S MOTION TO CONTINUE

On April 1, 2026, Earlimart filed a motion to continue Student's Case on grounds District's counsel and Student's counsel were both participating in another due process hearing involving Earlimart that was currently underway in consolidated OAH Case numbers 2026011009 and 2025100751, and scheduled to proceed on the same April 14, 15, and 16, 2026 dates as the hearing in Student's Case. As stated in Earlimart's motion, and confirmed by Student's attorney at the PHC, Student did not oppose a continuance, and Student's attorney had availability to proceed with the hearing of Student's Case on June 2, 2026. Earlimart moved to continue Student's Case to June 2, 3, and 4, 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).)

Earlimart established good cause to continue the due process hearing based upon the conflict between the hearing dates in Student's Case and consolidated OAH Case numbers 2026011009 and 2025100751. However, District's motion and supporting declarations did not provide specific facts establishing good cause for the requested seven-week continuance to June 2, 2026.

At the PHC, the parties and ALJ discussed the availability of the parties' attorneys on hearing dates after April 16, 2026. The parties stated that the hearing in consolidated cases 2026011009 and 2025100751 was expected to require additional

hearing days after April 14-16, 2026. Also, Student's attorney was scheduled to be out of the country to attend a pre-planned, pre-paid seminar from April 22 to 26, 2026. Additionally, the parties identified conflicts with several other cases scheduled for hearings before OAH in May 2026.

Based on the clear unavailability of both attorneys for hearing on April 14 -16, 2026, and Student's attorney the week of April 21-23, 2026, the ALJ at the PHC continued the hearing in this case to April 28-30, 2026. The ALJ took under submission the question of a longer continuance, pending the ALJ's review and consideration of the information provided by the parties concerning potential conflicting hearing dates in May 2026.

The main conflict affecting the availability of the attorneys in this case is the ongoing hearing in consolidated cases 2026011009 and 2025100751. In their prehearing conference statements for that matter, Earlimart estimated the case would require five days for hearing, and the student estimated the case would require 17 days. Three days of hearing have been held so far. If 14 additional days of hearing were to be required, starting on April 14-16, and proceeding three hearing days per week, that case would conclude on May 20, 2026, allowing for the unavailability of Student's attorney the week of April 20, 2026. However, the ALJ in that case has so far scheduled only the three additional hearing days of April 14-16, 2026, and the case may not require 11, more hearing days after that.

Based on the parties' time estimates for the hearing in consolidated cases 2026011009 and 2025100751, the ALJ in OAH Case number 2025111003, another conflicting case cited by Earlimart's attorney, on March 26, 2026 continued the hearing of that matter to May 12-14, 2026. Case number 2025111003 was filed November 24,

2025, and therefore has scheduling priority over this later filed case, which was filed on January 13, 2026.

The parties have shown good cause to further continue the hearing of this matter to May 19, 20, and 21, 2026, based on the unavailability of counsel before then due to conflicting cases that either are under way, or were filed before this case.

ORDER

As consolidated and continued at the April 3, 2026 PHC, and further continued in this Order, OAH Case numbers 2026010501 and 2026031274 shall proceed as follows:

1. Earlimart's Motion to consolidate OAH Case numbers 2026010501 and 2026031274 is granted.
2. Student's Case number 2026010501 is designated as the primary case.
3. All dates previously set in District's Case number 2026031274 are vacated.
4. Earlimart's unopposed motion to continue Student's Case is granted. The consolidated cases shall proceed on following dates set in Student's Case number 2026010501:

   PREHEARING CONFERENCE will be held on May 8, 2026, at 3:00 PM.

   DUE PROCESS HEARING will be held on May 19, 20, and 21, 2026.

5. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in Student's Case number 2026010501.

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.

The parties have filed prehearing conference statements and need not file additional statements unless warranted. Prehearing 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