BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTER OF:

PARENTS ON BEHALF OF STUDENT,

and

EARLIMART SCHOOL DISTRICT.

OAH CASE NUMBER 2026010501

OAH CASE NUMBER 2026031274

ORDER DENYING REQUEST FOR CONTINUANCE

JUNE 12, 2026

On January 13, 2026, Student filed a Request for Due Process Hearing, called a complaint, naming Earlimart School District, with the Office of Administrative Hearings, called OAH. The case filed by Student is called Student's Case. OAH set the hearing in Student's Case for March 3 through 5, 2026.

OAH HAS GRANTED THREE CONTINUANCES

On February 20, 2026, OAH granted Earlimart's unopposed motion to continue the hearing because of its attorney's unavailability. OAH continued the prehearing conference and the hearing, setting the hearing to begin on April 14 through 16, 2026.

On March 17, 2026, Earlimart filed a Request for Due Process Hearing in OAH case number 2026031274, naming Student. The case filed by Earlimart is called District's Case.

At the prehearing conference on April 3, 2026, held in Student's Case, OAH granted Earlimart's motion to consolidate Student's Case and District's Case, making Student's Case the lead case. OAH also granted Earlimart's unopposed motion to continue the hearing to May 19 through 21, 2026, instead of the requested dates of June 2 through 4, 2026, based on the attorneys' calendar conflicts in earlier-filed OAH matters.

A second prehearing conference was held on May 8, 2026. After the over two-hour second prehearing conference, the ALJ issued an Order Following Prehearing Conference, dated May 8, 2026. The ALJ granted Earlimart's unopposed motion to continue the hearing to July 7 through 9, 2026, primarily because the ALJ was ultimately persuaded by the arguments made at the May 8, 2026 prehearing conference that both attorneys were likely to still be engaged in the ongoing lengthy hearing in another matter during the week of May 19, 2026. This continuance granted by the May 8, 2026 Order also accommodated the other calendar conflicts outlined in Earlimart's motion and provided Student's counsel with the opportunity to file a new prehearing conference statement to clarify her vaguely worded statement of issues as more fully set forth in the written order dated May 8, 2026.

When OAH granted the third continuance of the hearing pursuant to the May 8, 2026 Order, the ALJ stated that no further continuances were contemplated because the matter had already been continued three times. The ALJ instructed Attorney Cordova to take any necessary steps to ensure an attorney in her firm was available to cover the hearing in this case, so that the matter could proceed on the new dates.

On May 11, 2026, Earlimart dismissed District's Case.

OAH DENIED STUDENT'S MOTION TO AMEND WHICH WOULD HAVE RESULTED IN A FURTHER DELAY

By the order dated May 29, 2026, OAH denied Student's Motion to Amend the Complaint to add what appeared to be at least 18 entirely new issues. The order also confirmed that the case would proceed as scheduled pursuant to the May 8, 2026 Order Following Prehearing Conference.

THE LATEST CONTINUANCE REQUEST

On June 4, 2026, Student filed a request to continue the hearing to August 11 through 13, 2026, on the grounds that Student's counsel has another hearing scheduled to begin on July 7, 2026, which case was filed the day before Student's Case was filed. The other matter is set for hearing on July 7, 2026, pursuant to a May 20, 2026 Scheduling Order, after Student's Motion to Amend was granted in that case.

Earlimart did not file a response to this latest request for continuance.

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 request is denied because it is premature. The hearing in the other matter is not scheduled to begin until July 7, 2026, more than three weeks from now, and could resolve or be continued in the interim.

Accordingly, all prehearing conference and due process hearing dates and deadlines are confirmed and will proceed as calendared pursuant to the May 8, 2026 Order Following Prehearing Conference. The parties shall fully comply with the May 8, 2026 Order Following Prehearing Conference, including but not limited to, filing

the required new prehearing conference statements by June 15, 2026, and any objections by June 22, 2026, as mandated by the May 8, 2026 Order.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings