BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT

V.

LAS VIRGENES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025090649

# ORDER FOLLOWING PREHEARING CONFERENCE, GRANTING REQUEST TO CONTINUE

MARCH 16, 2026

On March 16, 2026, Administrative Law Judge Clifford H. Woosley, 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.

Parent appeared on behalf of Student. Attorney Wesley B. Parsons appeared on behalf of Las Virgenes Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

## LAS VIRGENES UNIFIED'S REQUEST TO CONTINUE

The hearing is scheduled for March 24, 25, and 26, 2026, pursuant to a February 6, 2026, PHC order continuing the hearing, because Parent did not yet have an attorney and had not filed a PHC Statement. The hearing had previously been continued on January 12, 2026, due to the withdrawal of Student's counsel.

Parent appeared at the PHC and was still without counsel. Parent decided to proceed as an unrepresented litigant and filed a PHC statement on March 6, 2026. However, Las Virgenes' attorneys did not have Student's PHC statement. No proof of service was attached to Student's PHC statement. Therefore, Parent emailed Student's PHC statement to Las Virgenes' counsel during the PHC. After reviewing Student's PHC statement, for the first time, attorney Parsons requested a continuance. Las Virgenes needed to carefully review Student's PHC statement and prepare a response to some of Student's assertions and remedy requests.

## APPLICABLE LAW

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;
- substitution of an attorney when the substitution is required in the interests of justice;

- a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or
- another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing.

(Ed. Code, § 56505, subd. (f)(3); 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
- he 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; or
- whether the interests of justice are served.

## DISCUSSION

Parent timely filed Student's PHC statement with OAH. However, Las Virgenes did not see the PHC statement before the PHC. After review, Las Virgenes requested a continuance. Las Virgenes needed to carefully review the Student's PHC statement and have the opportunity to prepare a response to Student enumerated issues and remedies.

Las Virgenes was entitled to see Student's PHC statement three business days before the PHC. Las Virgenes sufficiently established that it may be prejudiced if not

provided an opportunity to carefully review the statement and, if necessary, prepare an appropriate response.

Las Virgenes has demonstrated good cause and the request to continue is granted. All dates are vacated, and this matter is scheduled as follows:

PREHEARING CONFERENCE will be held on April 16, 2026, at 1:00 PM.

DUE PROCESS HEARING will be held on April 21, 22, and 23, 2026.

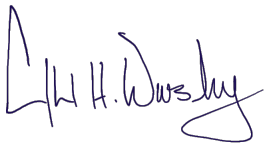
## EXHIBITS AND COMMUNICATIONS

At the PHC, this ALJ informed Las Virgenes' counsel that Parent filed hearing exhibits with OAH, which were put in OAH's docket for this matter. This ALJ did not open or otherwise view the documents before the PHC. Parent was cautioned because the judge for hearing may see these exhibits if they becomes part of a matter's docket. Parent was told that exhibits will be reviewed by the hearing judge during the hearing process. It is inappropriate for a judge to see proposed exhibits that have not been properly exchanged.

OAH shall seal the exhibits in the docket, which were filed by Parent. Parent did not commit any wrongdoing; Parent merely made a mistake. Parent was briefed about OAH's exhibit program Case Center and given instructions how to access and utilize the program.

Parent had been including an email address for an OAH department in email exchanges with opposing counsel. Parent was cautioned not to email any correspondence to OAH, unless specifically instructed to do so by staff or an ALJ.

IT IS SO ORDERED.



Clifford H. Woosley

Administrative Law Judge

Office of Administrative Hearings