BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

VISTA OAKS CHARTER SCHOOL.

OAH CASE NUMBER 2026021021

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING VISTA OAKS CHARTER SCHOOL'S REQUEST FOR CONTINUANCE AND STUDENT'S REQUEST FOR ACCOMMODATIONS

JUNE 29, 2026

On June 29, 2026, Administrative Law Judge Rommel P. Cruz, 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 Debra Ferdman appeared on behalf of Vista Oaks Charter School. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

CONTINUANCE

On June 24, 2026, Vista Oaks filed a request to continue the due process hearing because Vista Oaks' representative and attorney will unlikely be available for hearing on the currently scheduled dates. Vista Oaks filed a declaration by Attorney Ferdman in support of the request.

Parents and Vista Oaks are scheduled to be in hearing on another due process hearing matter involving Student's sibling in OAH case number 2026050648, referred to as the Sibling's Case, set to begin on June 30, 2026. Vista Oaks contends the Sibling's Case may take at least six days to complete and will likely continue to July 7, 8, and 9, 2026, the same dates this matter is set for hearing. Vista Oaks argues a continuance is necessary because Vista Oaks' representative and attorney will not be available for hearing in this matter if additional hearing dates in Sibling's Case is scheduled for July 7, 8, and 9, 2026.

Student filed an opposition on June 29, 2026. Student argues Vista Oaks overestimates the time it would take to complete the hearing in Sibling's Case. Student also contends her expert has been scheduled for July 7 and 9, 2026, and continuing the hearing would prejudice Student because of the cost of securing the expert's testimony. At the PHC, the parties confirmed the Sibling Case will proceed as scheduled.

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. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).) Ongoing hearings take priority over hearings that have not started.

Vista Oaks did not overestimate the time it would take to complete Sibling's Case. The Order following PHC dated June 19, 2026, for Sibling's Case noted that the parties anticipated eight days to complete that hearing.

Further, Parents were aware at the June 19, 2026, PHC in Sibling's Case that a scheduling conflict could result if the hearing for the Sibling's Case proceeds through July 7, 8, and 9, 2026, causing the hearing in this matter to be delayed. Therefore, Student had sufficient time to coordinate with her expert on dates and times for the expert's testimony in anticipation for the possible delay in hearing this matter. Further, Student failed to show Parents would incur additional costs for rescheduling her expert's testimony.

Vista Oaks established good cause for a brief continuance of the hearing because Vista Oaks's hearing representative and attorney will be engaged in another due process hearing. Accordingly, the continuance request is granted. All dates are vacated. The ALJ and parties discussed new hearing dates, and matter shall proceed as follows:

PHC will be held on July 13, 2026, at 10 AM.

Due process hearing will take place on July 21, 22, and 23, 2026.

The PHC and due process hearing will be held by videoconference or telephone, unless otherwise ordered. and continue day to day at the discretion of the ALJ. The due process hearing shall begin at 9:30 AM each day 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 ALJ.

The parties filed PHC statements and need not file additional statements unless warranted. Prehearing motions are due to OAH no later than three business days before the PHC. Late motions will only be considered if good cause is established for the late filing.

MOTIONS

On June 25, 2026, Vista Oaks filed three motions to quash subpoenas issued by Student for Dana Moran, Marianne Akerland, and Debra Ferdman to either testify, produce documents, or both. On June 29, 2026, Student filed an opposition to each motion. At the PHC, the parties made further arguments. The motions to quash the subpoenas are taken under submission and will be addressed in separate orders.

REASONABLE ACCOMMODATIONS

Parent requested that she be permitted to use multiple computer monitors to assist her at hearing. Parent also asked for an accommodation to recess the hearing in the event of a medical emergency, and to permit Parent frequent breaks at hearing. The requested accommodations are reasonable and therefore, granted.

A party or participant in this case, such as a witness, requiring reasonable accommodation to participate in a mediation or hearing may contact OAH at (916) 263-0880, or send an email to OAHADA@dgs.ca.gov as soon as the need is known. The e-mail should have "Request for Accommodation" in the Subject Line. Additional information concerning requests for reasonable accommodation is available on OAH's website at: https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-

Administrative-Hearings-Services-List-Folder/Request-Reasonable-Accommodations-for-OAH-Legal-Proceedings.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the PHC. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz
Administrative Law Judge
Office of Administrative Hearings