BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

UNIVERSITY PREPARATORY ACADEMY.

OAH CASE NUMBER 2026060489

ORDER FOLLOWING PREHEARING CONFERENCE FOR EXPEDITED HEARING BY VIDEOCONFERENCE AND ORDER GRANTING MOTION TO UNEXPEDITE AND VACATING EXPEDITED DATES

JUNE 23, 2026

On June 22, 2026, Administrative Law Judge Daniel Senter, 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.

Student's father, called Parent, appeared on behalf of Student. Attorney Brittnee Gillespie Malone appeared on behalf of University Preparatory Academy. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

MOTION TO UNEXPEDITE

On June 5, 2026, Student filed a request for due process hearing, called a complaint. On June 10, 2026, based on issues asserted in the complaint, OAH issued a scheduling order with both expedited and non-expedited prehearing conference and due process hearing dates. On June 16, 2026, OAH issued an amended scheduling order, to correct the parties in this case.

On June 17, 2026, University Preparatory filed a motion to unexpedite the expedited due process hearing. Parent at the PHC stated that Student did not oppose the motion to unexpedite.

A parent of a child with a disability who disagrees with any decision by a school district regarding a change in educational placement of the child based upon a violation of a code of student conduct, or who disagrees with a manifestation determination made by the district, may request and is entitled to receive an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006).) An expedited due process hearing before OAH must occur within 20 school days of the date the complaint requesting the hearing is filed. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2) (2006).) The procedural right to an expedited due process hearing is mandatory and does not authorize OAH to make exceptions or grant continuances of expedited matters. (*Ibid.*) A matter can only be unexpedited if no issue is alleged that is subject to an expedited hearing, if the student withdraws the issues in the complaint that triggered the expedited hearing, or if the student elects to challenge the change of placement

under title 20, section 1415, subdivision (b)(6)(A) and not subdivision (k). (*Molina v. Bd. of Educ. of Los Lunas Schools* (D.N.M. 2016) 157 F.Supp.3d 1064, 1068-1071.)

Issue 2 of Student's complaint asserts:

> Student's absences were manifestations of her documented disabilities. UPA nonetheless pursued truancy enforcement -- a Feb. 25, 2024 truancy letter and, per UPA's own March 6, 2024 IEP notes, a SARB referral ('SARB process is started') -- without ever conducting a manifestation determination, denying FAPE. Parent challenged the letter in writing; UPA never responded and no SARB action was ever communicated to him. He first learned of the SARB referral from UPA's exhibit C-3, disclosed in May 2026. Timely under 20 U.S.C. 1415(f)(3)(C)-(D).

At the PHC, Student clarified that none of Student's issues should be expedited and Issue 2 did not assert that Student experienced a disciplinary change of placement. Instead, Student clarified that Issue 2 asserts that University Preparatory failed to consider the reasons for Student's absences, namely, Student's health and disability issues when it sent a February 25, 2024, truancy letter and initiated a school attendance review board process on or around March 6, 2024. Upon Clarification at the PHC, Student does not allege facts that constitute an appeal pursuant to Section 1415(k)(3), and thus, the mandatory provisions of Section 1415(k)(4)(B) for an expedited hearing do not apply. (*Molina*, *supra*, 157 F.Supp.3d 1064, 1068-1071.) No determination was made at the PHC regarding whether Issue 2, as clarified at the PHC by Parent, was within OAH's jurisdiction.

ORDER

1. University Preparatory's motion to unexpedite the expedited matter is granted.
2. The expedited hearing dates for this matter are vacated.
3. The unexpedited matter shall proceed as set in OAH's scheduling order.

PHC STATEMENTS AND RESPONSE

Neither party filed a PHC statement. At the PHC, the undersigned ALJ ordered both parties to file a PHC statement by 12:00 PM on June 23, 2026.

OAH has not received a copy of University Preparatory's response to Student's complaint. At the PHC, the ALJ ordered University Preparatory to file its response with OAH by 5:00 PM on June 25, 2026. (*M.C. v. Antelope Valley Unified School Dist.* (9th Cir. 2017) 858 F.3d 1189, 1199-1200.)

MOTIONS

As discussed above, on June 17, 2026, University Preparatory filed a motion to unexpedite the expedited due process hearing. At the PHC, Student did not oppose the motion to unexpedite. The ALJ did not rule on the motion to unexpedite at the PHC and took the parties' arguments under submission. As determined in this Order, the ALJ granted University Preparatory's motion to unexpedite.

On June 17, 2026, University Preparatory filed a motion to dismiss. On June 22, 2026, Student filed a declaration of Parent in support of Student's opposition to motion to dismiss. At the PHC, the parties supplemented their written filings with oral argument. The ALJ did not rule on the motion to dismiss at the PHC and took the

matter under submission. The ALJ will rule on the motion to dismiss in a separate written order.

SETTLEMENT

The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH by visiting OAH Secure e-file at https://www.applications.dgs.ca.gov/oah/oahsftweb.

If a full and final written settlement agreement is reached after 4:00 PM the day prior to hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received and processed by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the prehearing conference. 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.

Daniel Senter

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings