BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

ONTARIO-MONTCLAIR SCHOOL DISTRICT.

OAH CASE NUMBER 2026030348

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING REQUEST FOR CONTINUANCE

APRIL 13, 2026

On April 13, 2026, Administrative Law Judge Ashok Pathi, Office of Administrative Hearings, called OAH, held a prehearing conference by videoconference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC.

Attorney Madeline Knuston appeared on behalf of Student. Attorney Cynthia Vargas appeared on behalf of Ontario-Montclair School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

Student timely moved to continue the prehearing conference and due process hearing based on his counsel's unavailability during the currently scheduled due process hearing dates, due to hearings scheduled to begin in earlier-filed due process matters. This is an initial continuance request.

Ontario-Montclair opposed the motion, asserting that Student had not established good cause for the continuance and that Ontario-Montclair would be prejudiced by the continuance.

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;
- the 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;
- whether the interests of justice are served by the continuance or imposing conditions on the continuance; and
- any other relevant fact or circumstance.

(Cal. Rules of Court, rule 3.1332(d).)

Student has established good cause to continue the matter, but not for the length of time requested. Student's asserted conflicts beginning on May 19, 2026, are too speculative to justify further continuing the current matter. Special education matters regularly settle, and the present conflicts may not exist by May 19, 2026. Accordingly, the motion is granted in part and denied in part.

All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on May 8, 2026, at 1:00 PM.

All other prehearing matters shall be addressed at the May 8, 2026 prehearing conference. All prehearing motions must be filed three business days before the PHC.

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

This Order does not prevent the parties from requesting a mediation. Special education law supports mediation. (20 U.S.C. § 1415(e).) This Order does not prevent the parties from requesting another continuance should the potential conflicts the parties identified materialize, or if other facts establish good cause for further continuance.

The prehearing conference and due process hearing will be conducted via videoconference or telephone. The hearing shall begin at 9:30 AM and end at 3:30 PM on all days, unless otherwise ordered. The hearing shall continue day to day at the discretion of the ALJ.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed.

SETTLEMENT

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a settlement 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.

If a full and final written settlement agreement is reached after 4:00 PM the day before the 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. At the same time, the parties

should send the signature page of the signed agreement or a letter withdrawing the case to OAH at https://www.applications.dgs.ca.gov/oah/oahsftweb.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received 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.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

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.

Ashok Pathi

Ashok Pathi
Administrative Law Judge
Office of Administrative Hearings