BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026031244

ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE DENYING REQUEST FOR SECOND MEDIATION AND GRANTING A SHORT CONTINUANCE OF THE PREHEARING CONFERENCE AND DUE PROCESS HEARING

AUGUST 3, 2026

On August 3, 2026, Administrative Law Judge Cynthia Fritz, 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.

Attorney Roxana Khan appeared on behalf of Mountain View Los Altos High School District. Parent did not appear. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

On July 31, 2026, the parties filed a request for a second mediation and third continuance of the due process hearing. On August 3, 2026, around 2:00 PM, Parent filed another request for a mediation and continuance and also stated she was too ill to go forward with the prehearing conference today and described her symptoms.

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).)

This matter was filed on March 27, 2026. The parties already participated in a mediation in this matter. Further, OAH has continued the due process hearing in this matter two times.

The form on which the parties submitted their request contains the admonition, that when used to request a continuance, "[t]his section may ONLY be used to request continuance of the hearing date if the requested mutually agreed on mediation date is after the currently scheduled hearing." As noted above, mediation in this case was already conducted. Accordingly, the parties utilized the incorrect form.

However, the request for the lengthy continuance is not merely based on using an incorrect form. Rather, good cause must be established to grant a continuance and the amount of time. Here, and the parties failed to assert any cause upon which to grant a second mediation and a third continuance in this matter. Thus, a second mediation is denied.

Parent also stated she was ill and could not proceed today. Parent did not appear at the prehearing conference today. Parented established good cause for a

short continuance due to illness. Any further continuances due to illness must be accompanied by a medical note.

Parent must also immediately file a prehearing conference statement in this matter.

All dates are vacated.

The prehearing conference is set for August 7, 2026, at 10:00 AM.

The due process hearing is set for August 18, 19, and 20, 2026.

The prehearing conference and due process hearing will be held by videoconference or telephone, unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, 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 Administrative Law Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately notify all potential witnesses of the hearing dates and must subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings