BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026030071

ORDER REQUIRING CORRECTION OF EXHIBITS AND SERVICE OF MEDICAL NOTE ON OPPOSING COUNSEL

MAY 20, 2026

On March 2, 2026, Parents on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Irvine Unified School District as respondent. On April 1, 2026, OAH granted Student's request to amend the complaint and the parties' joint request to schedule mediation.

When the hearing commenced on May 19, 2026, it was discovered that Student had not followed the instructions for uploading proposed exhibits to Case Center. The hearing terminated early, at 3:00 PM, and Parent was ordered to correct the upload

errors prior to the next day's hearing. He was specifically informed the hearing was ending early to give him time to complete the task that afternoon.

On May 20, 2026, when hearing recommenced, Parent had uploaded additional documents, in contravention of the prior day's order, and had failed to follow the instructions for uploading the documents to Case Center a second time. Parent was given additional time to upload the documents correctly. The hearing recessed at a few minutes before 10 AM and was to recommence at 11:30 AM per Parent's estimate of the time it would take to properly upload his exhibits. The waiting witness was asked to delay his testimony for a second time.

When the hearing started at 11:30 AM, the exhibits had not been corrected and Parent did not appear, until called by the OAH case manager assigned to the case. Parent appeared asserting he was ill and needed to see a physician. The hearing was continued to the following morning with instructions to Parent to provide verification of his medical visit and a written explanation of when he would be ready to start the hearing again.

At approximately 2:15 PM, Pacific time, Parent provided a medical note that indicated he had received a medical examination in Aberdeen Scotland. The healthcare provider identification is illegible. At no time had Parent disclosed he was participating in the hearing from Scotland. The note had not been served on Irvine's attorney. All documents filed by a party with OAH must be served on the opposing party at the time of filing. (Cal Code Regs. tit. 5, § 3083 and tit.1 § 1008.) The note indicated Parent had no continuing medical concerns at the time of Parent's examination. The note was not accompanied by the explanation of readiness to proceed as ordered by the ALJ.

As of the time the note was received, no corrections had been made to Student's improperly uploaded Exhibits. As previously explained to Parent, the case cannot proceed until the Exhibits are in chronological order, beginning with Exhibit number one, with Exhibits that include individual documents unless it is an email chain, that involves a single, identical topic. All witnesses access the exhibits in Case Center and the record must be clear regarding which exhibit is being discussed. That clarity is provided by sequential document and page numbering.

OAH must conduct a due process hearing and render a decision within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Here, Parent is impeding OAHs ability to proceed with the hearing by failing to follow the orders issued regarding prehearing evidence uploads to OAH's electronic evidence program, and evidence exchange. Parent has also failed to be candid with this tribunal regarding his location and impediments he may be experiencing due to the time difference.

ORDER

1. Parent is ordered to immediately serve a copy of the medical note he offers to excuse his sudden inability to proceed with the hearing on opposing counsel.

2. Parent is ordered to correctly upload his exhibits to Case Center no later than 8:00 AM Pacific Time following the instructions listed in the Scheduling Order and Prehearing Conference order that were previously served.
3. If the Exhibits are not properly uploaded so that testimony can proceed when hearing commences at 9:30 AM Pacific Time, on May 21, 2026, or Parent does not appear for hearing by 9:30 AM Pacific Time on May 21, 2026, an Order to Show Cause as to why the case should not be dismissed for failure to prosecute will be issued.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings