BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LAGUNA BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025040200

ORDER FOLLOWING PREHEARING CONFERENCE, ORDERING BRIEFING SCHEDULE AND GRANTING CONTINUANCE FOR DUE PROCESS HEARING

JUNE 12, 2025

On June 6, 2025, Administrative Law Judge Ted Mann, 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. Jennifer Fant, Attorney at Law, appeared on behalf of Laguna Beach Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following orders:

LAGUNA BEACH'S THIRD MOTION TO DISMISS

On April 3, 2025, Student filed a request for due process hearing, called a complaint. On April 18, 2025, Student filed a motion to amend the complaint and a first amended complaint. On April 25, 2025, OAH issued an Order granting Student's motion to amend.

On May 13, 2025, Laguna Beach filed a second motion to dismiss Student's complaint due to lack of service. On May 19, 2025, OAH denied Laguna Beach's second motion to dismiss without prejudice and ordered Student to personally serve the first amended complaint on Laguna Beach's attorneys. On May 28, 2025, Laguna Beach filed a third motion to dismiss due to failure to comply with the May 19, 2025 OAH order, and Laguna Beach's uncertainty whether it had a complete copy of the amended complaint.

During the June 6, 2025, PHC, the parties and ALJ reviewed the amended complaint. Laguna Beach confirmed it had a complete copy of the amended complaint, and on that basis the third motion to dismiss was denied on the record. Student's amended complaint consists of two pages of issues and remedies. Consistent with earlier OAH orders regarding Student's amended complaint, the amended complaint does not include any additional material that was appended to or accompanied the two-page amended complaint, including the 175 or 176 pages attached to Student's amended complaint. Such material appears to be an evidentiary filing that is not considered part of the complaint. The amended complaint is deemed filed as of June 6, 2025. Laguna Beach is entitled to respond in keeping with its legal rights to the amended complaint, including a motion to dismiss for lack of jurisdiction related to settlement agreements between Student and Laguna Beach.

BRIEFING SCHEDULE

Consistent with the Student's fist amended complaint being deemed filed on June 6, 2025, the following briefing schedule is ordered:

Student's Emergency Motion for Interim Relief was filed on June 6, 2025. Laguna Beach's Opposition shall be filed by 5:00 PM on Wednesday, June 11, 2025. Any Reply by Student shall be filed by 5:00 PM on Friday, June 13, 2025.

Laguna Beach's response to Student's amended complaint shall be filed by June 16, 2025.

Laguna Beach's Notice of Insufficiency, if any, shall be filed by 5:00 PM on Friday, June 20, 2025. Student's Opposition shall be filed by 5:00 PM on Wednesday, June 25, 2025.

Laguna Beach's motion to dismiss for lack of jurisdiction related to settlement agreements between Student and Laguna Beach shall be filed by 5:00 PM on Monday, June 30, 2025. Student's Opposition shall be filed by 5:00 PM on Thursday, July 3, 2025.

CONTINUANCE OF HEARING

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).)

There is good cause to continue the due process hearing because the amended complaint was deemed served on Laguna Beach on June 6, 2025. Laguna Beach is entitled to respond to the amended complaint. Accordingly, a continuance is granted. All previously scheduled dates are vacated.

PREHEARING CONFERENCE will be held on Friday, July 25, 2025, at 1:00 PM.

DUE PROCESS HEARING will be held on August 5, 2025 through August 7, 2025.

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 give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings