BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

JEFFERSON UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026041207

ORDER FOLLOWING PREHEARING CONFERENCE AND ORDER TO SHOW CAUSE, CONTINUING DUE PROCESS HEARING AND SETTING ORDER TO SHOW CAUSE AND PREHEARING CONFERENCE

JULY 3, 2026

On April 23, 2026, Student filed a request for a due process hearing naming Jefferson Union High School District. On April 28, 2026, OAH issued a Scheduling Order, setting times and dates for a prehearing conference, referred to as a PHC, and the due process hearing. The PHC was scheduled for 10:00 AM on Friday, May 29, 2026.

On May 20, 2026, Jefferson Union's attorney, Candice Saadian, filed a form entitled "Request to Continue Hearing Dates" with OAH. Jefferson Union requested no

change in the hearing dates but requested a continuance of the PHC from May 29, 2026, to Friday, June 5, 2026, at 10:00 AM. The explanation for the continuance stated: "We will have a signed agreement and will be submitting the dismissal form the morning of June 3, 2026." The form was signed by attorney Saadian but did not have any signature on behalf of Student, although Student had filed the underlying request for a due process hearing. The filing did not contain a proof of service. Later, proof of service, showing service of the request on the Student on May 27, 2026, was filed by Jefferson Union on May 27, 2026.

OAH issued an Order denying Jefferson Union's request on the morning of May 29, 2026, prior to the scheduled 10:00 AM PHC of that date. The ALJ found that Jefferson Union's request lacked good cause and failed to comply with OAH procedures in numerous ways, including that OAH does not continue PHCs or hearings pending a potential settlement agreement, let alone on the request of a single party.

On May 29, 2026, Administrative Law Judge Ted Mann, Office of Administrative Hearings held a PHC by videoconference. The Administrative Law Judge will be referred to as an ALJ.

Student's mother, called Parent and a self-represented party, appeared on behalf of Student. There was no appearance by Jefferson Union. Two requests for attorney Saadian, Jefferson Union's attorney for the PHC, to join the Zoom event in progress were sent by email. An automated written response was received from attorney Saadian through email that stated: "Please note that I will be out of the office on Friday, May 29th. I will respond to your message when I am back on the office on Monday, June 1."

Following the PHC, an order was issued rescheduling the May 29, 2026 PHC and setting an order to show cause, or OSC, for the failure to appear. The rescheduled PHC

and OSC was set for Friday, June 5, 2026 at 1:00 PM. The parties were ordered to appear for the PHC and Jefferson Union was also ordered to file a written brief explaining the failure to appear.

On June 3, 2026, counsel for Jefferson Union filed a notice of dismissal with OAH. The request for dismissal was signed only by Jefferson Union's counsel. No signature on behalf of Student, nor any other indicia of approval on behalf of Student, was included as part of the request to dismiss. A dismissal submitted by, and only signed by a responding party, has no effect on a student filed case. OAH did not issue a notice of case dismissal to the parties.

On June 5, 2026, at 1:00 PM, ALJ Ted Mann held a PHC by videoconference. There was no appearance by either Student or Jefferson Union. Multiple requests for attorney Saadian, Jefferson Union's attorney for the PHC, to join the Zoom event in progress were sent by email at approximately 1:03 PM, 1:07 PM, 1:15 PM, and 1:20 PM. Two requests for Parent to join the Zoom event in progress were sent by email at approximately 1:03 PM and 1:20 PM.

On June 9, 2026, counsel for Jefferson Union filed a document with OAH including a settlement agreement and release of all claims, which was not signed by all necessary parties. There was no accompanying request by Student to dismiss their case.

On June 10, 2026, OAH issued an order resetting the PHC and OSC for June 26, 2026, at 10:00 AM. Jefferson Union's attorney was ordered to file a brief with OAH, by June 22, 2026 at 5:00 PM, explaining the failures to appear. No such brief was ever filed with OAH.

On June 16, 2026, Parent filed a request to dismiss, without Parent's signature, the case number or a proof of service. On June 17, 2026, Parent filed a notice of

withdrawal of Student's California Department of Education compliance complaint. On June 17, 2026, District's Counsel filed a copy of the settlement agreement between the parties, missing a signature. On June 25, 2026, District's Counsel finally filed a copy of the settlement agreement with required signatures. Student did not file a Request for Dismissal. Accordingly, none of these filings were sufficient to dismiss a Student filed case or otherwise vacate hearing dates.

On June 26, 2026, at 10:00 AM, ALJ Ted Mann held another OSC and PHC by videoconference. There was no appearance by either Student or Jefferson Union. Multiple requests for attorney Saadian, Jefferson Union's attorney for the PHC, to join the Zoom event in progress were sent by email at approximately 10:03 AM, 10:07 AM, and 10:12 AM. Two requests for Parent to join the Zoom event in progress were sent by email at approximately 10:03 AM and 10:10 AM. Saadian had never submitted the required declaration excusing the multiple failures to appear at properly noticed PHCs and OSCs and failure to comply with OAH orders.

Based upon the foregoing facts, the ALJ issues the following order:

ORDER TO SHOW CAUSE

Under certain circumstances, an ALJ presiding over a special education proceeding is authorized to shift expenses from one party to another, or to OAH. (Gov. Code, §§ 11405.80, 11455.30; Cal. Code. Regs., tit. 5, § 3088; see *Wyner ex rel. Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1029 ["Clearly, [California Code of Regulations] § 3088 allows a hearing officer to control the proceedings, similar to a trial judge."].) A party may be ordered to pay expenses of a party, or OAH as a result of "bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay. . . . " (Cal. Code Regs. tit. 5, § 3088, subd. (a).) A

party may also be ordered to pay costs for failure or refusal, without substantial justification, to comply with an order of the presiding officer. (Govt. Code § 11455.10.) Only the ALJ presiding at the hearing may place expenses at issue. (Cal. Code. Regs., tit. 5, § 3088, subd. (b).)

Here, the Jefferson Union's failures to attend the May 29, 2026, PHC, June 5, 2026, PHC and June 26, 2026, PHC were without apparent cause or excuse, and in direct violation of the Scheduling Order and other Orders in this case. Additionally, Jefferson Union's attorney, Candice Saadian, failed to file a written response as ordered by OAH following both the May 29, 2026, PHC and the June 5, 2026, PHC.

Jefferson Union's attorney, Candice Saadian, is therefore, subject to sanction for failure to abide by OAH orders and failure to prosecute. As to OAH's costs regarding the May 29, 2026 PHC, the June 5, 2026 PHC and June 26, 2026 PHC and OSCs. Jefferson Union may file a written response with OAH by no later than 5:00 p.m. on July 31, 2026, attempting to excuse some of the sanctions. A copy of the declaration and other pleading shall be served upon Student. Student is not expected to file a written response.

The order to show cause hearing shall take place by video conference on Monday, August 24, 2026, at 10:00 AM, unless ordered otherwise. Failure of Jefferson Union's representative to appear by videoconference at the order to show cause hearing on August 24, 2026, may result in additional sanctions. OAH retains jurisdiction over this matter, regardless of case status, for purposes of the sanctions order and securing payment thereof.

HEARING DATES, TIMES, AND LOCATION

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.)

Good cause to continue a hearing may include 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).)

Good cause exists to continue this matter for the OSC and PHC to be heard on August 24, 2026. The current hearing dates of July 7, 2026 through July 9, 2026 are vacated. The case shall proceed as follows:

OSC/PHC will be held on Monday, August 24, 2026, at 10:00 AM.

All other prehearing matters shall be addressed at the August 24, 2026, PHC. All prehearing motions must be filed three business days before the PHC.

Due Process Hearing: September 1, 2026 through September 3, 2026.

The hearing will be conducted via videoconference and 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.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings