BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025120706

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING MOTION TO AMEND COMPLAINT; ORDER GRANTING REQUEST FOR CONTINUANCE AND SETTING MEDIATION, PREHEARING CONFERENCE, AND DUE PROCESS HEARING

FEBRUARY 20, 2026

On February 20, 2026, Administrative Law Judge Linda Dowd, Office of Administrative Hearings held a telephonic prehearing conference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC. Attorney Michelle Ortega Perdomo appeared on behalf of Student. Attorney Jennifer Oliva appeared on behalf of Temecula Valley Unified School District. The PHC

was recorded. Based upon discussion with the parties, the ALJ issues the following order:

MOTIONS

STUDENT'S MOTION TO AMEND COMPLAINT

On January 7, 2026, Student filed a motion to amend the due process hearing request, called a complaint, and a proposed amended complaint. Temecula Valley did not oppose Student's motion and OAH granted Student's motion on January 13, 2026. On February 17, 2026, Student filed a second motion to amend the complaint and a proposed second amended complaint. During the PHC, Temecula confirmed that it did not object to Student's motion to amend the due process complaint. The due process hearing is set to begin on March 3, 2026.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session; or when a hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)

The motion to amend was filed more than five days prior to the due process hearing and is unopposed. The motion is therefore granted. All previously scheduled dates are vacated. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order.

HEARING DATES, TIMES, AND LOCATION

On February 18, 2026, in anticipation of OAH granting Student's motion to amend, the parties filed a joint request to continue this matter. The motion was timely filed three days prior to the PHC.

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).)

The request for continuance is granted for good cause. The parties' desire to mediate the newly pled issues is good cause for a continuance as the parties are hopeful they may be able to resolve all the issues with a second mediation. All previously scheduled dates are vacated. The case shall proceed as follows:

MEDIATION DATE is April 14, 2026, 9:00 AM to 4:30 PM.
MEDIATION will occur via telephone or videoconference.
PREHEARING CONFERENCE will be held on May 4, 2026, at 3:00 PM.

All other prehearing matters shall be addressed at the May 4, 2026, PHC. All prehearing motions must be filed three business days before the PHC.

DUE PROCESS HEARING will be held on May 12, through May 14, 2026.

The hearing will be conducted via telephone or 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.

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 5:00 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.

IT IS SO ORDERED.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings