BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

UPLAND UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025090077

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING REQUEST FOR CONTINUANCE, ACCEPTING WITHDRAWAL OF EDUCATIONAL RIGHTS ASSIGNMENT, AND RESERVING ON MOTION TO DISMISS

OCTOBER 16, 2025

On October 13, 2025, Administrative Law Judge Tiffany Gilmartin, 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. Parent, grandparents, and educational advocate Hadassah Foster appeared on Student's behalf. Attorney Kendra Eaton appeared on behalf of Upland Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

POWER OF ATTORNEY AND WITHDRAWAL OF EDUCATION RIGHTS ASSIGMENT TO STUDENT'S GRANDPARENTS

Parent submitted a power of attorney assigning educational rights to Student's grandparents on October 8, 2025. The prehearing conference was trailed until 3 p.m. to allow grandparents an opportunity to appear. Parent then withdrew her assignment of educational rights to Student's grandparents on the record. Student's grandparents were excused and the prehearing conference continued.

HEARING DATES, TIMES, AND LOCATIONS

Upland filed a motion to continue on October 9, 2025. Student filed an opposition on October 10, 2025. Both parties were heard on the record. After consulting with Student's educational advocate, Parent expressed an interest in mediation. OAH encourages all opportunities for resolution and the motion to continue was granted to allow parties an opportunity to mediate.

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.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (Ed. Code, § 56505, subd. (f)(3); Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the

hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance or imposing conditions on the continuance; and any other relevant fact or circumstance. (Cal. Rules of Court, rule 3.1332(d).)

The request for continuance is granted for good cause. All previously scheduled dates are vacated. The case shall proceed as follows:

MEDIATION DATE is November 6, 2025, 9:00 AM to 12:30 PM.

MEDIATION will occur via telephone or videoconference.

PREHEARING CONFERENCE will be held on November 10, 2025, at 3:00 PM.

Upland's motion to dismiss issues and all other prehearing matters shall be addressed at the November 10, 2025, prehearing conference. All prehearing motions, including Upland's response to Student's motion to dismiss, must be filed three business days before the PHC. Please note, this is a different time than discussed during the PHC conference. The adjustment was based on operational reasons.

Due Process Hearing: November 18, 19, and 20, 2025.

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.

Tiffany Gilmartin

Tiffany Gilmartin

Administrative Law Judge

Office of Administrative Hearings