BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

IRVINE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025070601

ORDER FOLLOWING NON-EXPEDITED PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE, GRANTING PREHEARING CONFERENCE AND HEARING CONTINUANCES

AUGUST 4, 2025

On August 4, 2025, Administrative Law Judge Penelope Pahl, 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.

Attorney Megan Resnik appeared on behalf of Irvine Unified School District. Self-represented Parents did not appear for Student. Parents received notice of the

scheduled prehearing conferences via express delivery through GLS Delivery. GLS confirmed delivery of that notice on July 21, 2025. Parents received notice of the Zoom meetings for the Prehearing Conferences on August 1, 2025 and August 4, 2025.

As this is a district-filed case, Parents' appearance was not required to proceed with the PHC. Therefore, the non-expedited PHC proceeded. The PHC was recorded. Based upon discussion counsel for Irvine, the ALJ issues the following order:

REQUEST FOR CONTINUANCE OF NON-EXPEDITED CASE GRANTED

Due to the fact that district-filed cases do not require a resolution session, in some cases, such as this one, the dates for the expedited hearing and non-expedited hearing are set on the same dates. As counsel for Irvine cannot appear for two hearings on the same dates, Irvine asked for a continuance of the non-expedited case.

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).)

Expedited hearings take precedence over non-expedited hearings. As a result, the non-expedited hearing will be continued. This is the first time the non-expedited hearing has been continued. Irvine asked for hearing dates of September 30 and October 1, and 2, 2025 due to counsel's pre-planned vacation and other, previously filed

hearing conflicts with the intervening weeks. Good cause was established for the continuance which was granted. All previously scheduled dates for the non-expedited portion of the complaint are vacated. The new, non-expedited hearing dates are:

NON EXPEDITED PREHEARING CONFERENCE will be held on September 19, 2025 at 10:00 AM.

All other prehearing matters are deferred to the September 19, 2025 PHC. PHC Statements and all motions are due three business days prior to the PHC.

NON-EXPEDITED HEARING will be held on September 30, and October 1, and 2, 2025.

SETTLEMENT

The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached 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. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH by visiting OAH Secure e-file at https://www.applications.dgs.ca.gov/oah/oahsftweb.

If a full and final written settlement agreement is reached after 4:00 PM the day prior to 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.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received and processed 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.

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.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings