

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

NORWALK-LA MIRADA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026051095

ORDER FOLLOWING PREHEARING CONFERENCE
SCHEDULING MEDIATION AND CONTINUING
DUE PROCESS HEARING

JULY 6, 2026

On July 6, 2026, Administrative Law Judge Jennifer Kelly, 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. Attorney Tiffany Santos appeared on behalf of Norwalk-La Mirada Unified School District, called Norwalk-La Mirada. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

NORWALK-LA MIRADA'S REQUEST TO CONTINUE DUE PROCESS HEARING

On May 26, 2026, Parent on behalf of Student filed a request for due process hearing, called a complaint, with OAH, naming Norwalk-La Mirada. On May 28, 2026, OAH issued a scheduling order and set the PHC for July 6, 2026, at 10:00 AM and the due process hearing for July 14, through 16, 2026.

On July 1, 2026, Norwalk-La Mirada filed a motion to continue the due process hearing. The motion was supported by a declarations by Norwalk-La Mirada's attorney of record and Executive Director of Special Education. Norwalk-La Mirada requests a continuance because of its attorney's excusable unavailability due to a preplanned, prepaid vacation. In addition, Norwalk-La-Mirada argues that several essential witnesses, including its orthopedic impairment specialist, occupational therapist, education specialist, nurse, and speech-language pathologist are unavailable at various times between July 14, 2026, through August 13, 2026, because of preplanned vacations or other excusable circumstances. Norwalk-La Mirada requests a continuance of the due process hearing to September 22, through 24, 2026.

On July 6, 2026, Student filed an opposition to Norwalk-La Mirada's motion to continue. Student argues Norwalk-La Mirada failed to establish good cause for a continuance, and further that a continuance will result in Student starting the upcoming school year in an unsafe placement.

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).)

Norwalk-La Mirada timely filed its continuance request three business days before the PHC. Norwalk-La-Mirada established good cause to continue the due process hearing based on the excusable unavailability of its attorney of record. In addition, at the PHC the parties indicated their willingness to participate in mediation and discussed and agreed upon a mediation date, which constitutes further good cause

to continue the due process hearing.. Accordingly, Norwalk-La Mirada's request to continue the due process hearing is granted.

The ALJ discussed specific dates for the PHC and the due process hearing with the parties and agreement was reached as to the following schedule. All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on July 16, 2026, from 9:00 AM to 4:30 PM.

PHC will be held on August 7, 2026, at 1:00 PM.

DUE PROCESS HEARING will be held on August 18, through 20, 2026.

Mediation, the PHC 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 ALJ. PHC 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.

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](https://www.applications.dgs.ca.gov/oah/oahsftweb) 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. 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

The failure to comply with this Order may result in the exclusion of evidence or other sanctions.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the PHC. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

IT IS SO ORDERED.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings