

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026040068

ORDER FOLLOWING PREHEARING CONFERENCE
SCHEDULING SECOND 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.

Attorney Rachel Milman appeared on behalf of Student. Attorney Jackie Dai appeared on behalf of Los Angeles Unified School District, called Los Angeles. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

JOINT MOTION TO SCHEDULE SECOND MEDIATION AND CONTINUE DUE PROCESS HEARING

The hearing is scheduled to begin on July 14, 2026. Parents on behalf of Student filed a request for due process hearing, called a complaint, with OAH on January 12, 2026, naming Los Angeles. On April 2, 2026, OAH issued a scheduling order and set the due process hearing for May 12, through 14, 2026.

On April 27, 2026, the parties filed a joint request to schedule a videoconference mediation and continue the due process hearing. On April 28, 2026, OAH issued an order granting the parties' joint request for videoconference mediation and continuance of the due process hearing. OAH scheduled a mediation for June 4, 2026, and continued the due process hearing to July 14, through 16, 2026.

The parties participated in mediation on June 4, 2026, but were unable to resolve the dispute.

OAH convened the PHC on July 6, 2026. At the start of the PHC, the parties made a joint verbal request to schedule a second mediation. Student's attorney explained that an IEP team meeting was held following the June 4, 2026, mediation and Student was found eligible for special education. The parties desire to participate in mediation to resolve the remaining issues in dispute without the necessity of a due process hearing.

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 parties did not file written motion to schedule a second mediation and continue the due process hearing three business days before the PHC. At the PHC, the parties established good cause for the failure to timely file a written motion three

business days based on Los Angeles's recent determination that Student should be found eligible for special education eligibility.

The parties' request for a second mediation is granted for good cause. OAH generally provides parties one mediation per case at public expense. In this case, the parties wish to schedule a second mediation based on Los Angeles's recent determination that Student is eligible for special education. The parties explained to the ALJ that they have worked diligently to resolve this matter and they believe a second mediation will be helpful in resolving this case without the necessity of a due process hearing.

The parties' request for a continuance of the due process hearing is granted for good cause. All previously scheduled dates are vacated. The case shall proceed as follows:

MEDIATION: July 23, 2026, from 9:00 AM to 12:30 PM.

PHC: August 17, 2026, at 10:00 AM.

DUE PROCESS HEARING: August 25, 26, and 27, 2026.

This continuance will place the hearing to start seven months after the case was filed. Accordingly, the parties are on notice that no further continuances will be granted absent extraordinary good cause. The mediation, 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 PHC. 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.

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