

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
  
PARENTS ON BEHALF OF STUDENT,

v.

ENCINITAS UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026041170

ORDER FOLLOWING PREHEARING CONFERENCE  
  
GRANTING REQUEST FOR CONTINUANCE

JULY 10, 2026

On July 10, 2026, Administrative Law Judge Christine Arden, 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. Damian Fragoso, Attorney at Law, appeared on behalf of Student. Jacey Mahon, Attorney at Law, appeared on behalf of Encinitas Union School District, called Encinitas. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

## HEARING DATES, TIMES, AND LOCATION

Encinitas moved to continue the hearing to August 18, 2026, through August 20, 2026, based on the unavailability of Dr. Maria Waskin, Encinitas's representative at hearing, and a key witness in this case. Waskin is unavailable to attend the hearing in this matter on the currently scheduled hearing dates of July 21, 2026, through July 23, 2026, because several days ago she traveled outside of California due to the recent death of a family member, and she is unsure when she will be able to return to California.

The motion was timely filed three days prior to the prehearing conference. The motion was partially opposed by Student. Student agreed to a short continuance of this matter, but preferred the continued hearing be conducted from August 4, 2026, to August 6, 2026, rather than the later dates requested by Encinitas. At the PHC held on July 10, 2026, Student's attorney, Macey, informed the court that attorney Jonathan Read, who will be lead counsel for Encinitas at the hearing, is not available to participate in a hearing on August 4, 2026, through August 6, 2026, due to Read's preexisting travel arrangements out of state during those dates. Attorneys for both parties agreed at the July 10, 2026 PHC it was acceptable to continue the hearing to August 11, 2026, through August 13, 2026.

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. (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:

PREHEARING CONFERENCE will be held on August 3, 2026, at 3:00 PM.

All other prehearing matters shall be addressed at the August 3, 2026, PHC. All prehearing motions must be filed three business days before the PHC.

Due Process Hearing: August 11, 2026, through August 13, 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.

IT IS SO ORDERED.

*Christine Arden*

Christine Arden

Administrative Law Judge

Office of Administrative Hearings