

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENT ON BEHALF OF STUDENT,

and

EASTSIDE UNION HIGH SCHOOL DISTRICT AND MOUNT
PLEASANT ELEMENTARY SCHOOL DISTRICT,
OAH CASE NUMBER 2026010077
OAH CASE NUMBER 2025100468

ORDER FOLLOWING PREHEARING CONFERENCE
DISMISSING STUDENT'S ISSUES, DISMISSING MOUNT
PLEASANT ELEMENTARY SCHOOL DISTRICT AS A PARTY
AND GRANTING REQUEST FOR CONTINUANCE

JULY 6, 2026

On July 6, 2026, Administrative Law Judge Katherine Roe, 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. Eliza McArthur, Attorney at Law, appeared on behalf of East Side Union High School District,

called East Side. Jennifer Nix, Attorney at Law, appeared on behalf of Mount Pleasant Elementary School District, called Mount Pleasant. No one appeared on behalf of Student. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

STUDENT'S ISSUES DISMISSED

On June 29, 2026, the undersigned ALJ, issued an order to show cause as to why Student's complaint should not be dismissed for failure to appear. Student was ordered to file a written explanation no later than 3:00 PM on July 3, 2026, explaining the failure to appear at the PHC on June 29, 2026, and why Student's complaint should not be dismissed. OAH did not receive a written explanation from Student, nor did anyone appear on Student's behalf at the prehearing conference on July 6, 2026. Therefore, Student's issues are dismissed. The case will proceed solely on East Side's issues.

MOUNT PLEASANT DISMISSED AS A PARTY

Mount Pleasant was a party to Student's case only in this consolidated matter. Because Student's issues have been dismissed, Mount Pleasant is dismissed as a party.

EAST SIDE'S MOTION TO CONTINUE

On June 24, 2026, East Side filed a motion to continue. The motion was timely filed three days prior to the prehearing conference. On June 25, 2026, Mount Pleasant filed a non-opposition to the motion to continue. Student did not file a response. At the time East Side filed the motion to continue, the motion was based on the unavailability of an essential witness in Student's case, Student's world history teacher Tony Tran. Student's issues have now been dismissed. However, since the motion to continue was filed, two essential witnesses in East Side's case have become unavailable.

Linda Han, school psychologist, is unavailable until the last week of July. Sandrine Legrande, school administrator, is unavailable until the second week of August. Counsel is unavailable the last week of July because they are scheduled to appear for a due process hearing in the earlier filed OAH case number 2026020303, which has been continued three times.

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 July 31, 2026, at 3:00 PM.

All other prehearing matters shall be addressed at the July 31, 2026, prehearing conference. All prehearing motions must be filed three business days before the PHC.

Due Process Hearing: August 11, 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.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Jul 7, 2026 11:26:46 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings