

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026051160

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING BY VIDEOCONFERENCE SETTING ORDER TO
SHOW CAUSE AS TO WHY MATTER SHOULD NOT BE
DISMISSED FOR FAILURE TO APPEAR, AND ORDER
CONTINUING PREHEARING CONFERENCE AND DUE
PROCESS HEARING

JULY 6, 2026

On July 6, 2026, Administrative Law Judge Theresa Ravandi, 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 Joshua Walden appeared on behalf of Elk Grove Unified School District. Student's counsel, Diana Renteria, failed to appear.

OAH sent both parties a scheduling order on May 29, 2026, setting this matter for PHC on July 6, 2026, at 1:00 PM, and due process hearing beginning July 14, 2026. The scheduling order required the parties to file a PHC statement no later than July 1, 2026. Student's counsel has failed to file a PHC statement.

On July 1, 2026, Elk Grove filed a motion to dismiss or in the alternative to continue this matter because Parent failed to participate in a mandatory resolution session. On Friday, July 3, 2026, the ALJ sent electronic Zoom invites for the July 6, 2026, 1:00 PM PHC to Ms. Renteria and to Elk Grove's counsel. There was no indication that the invite was not received. When Ms. Renteria failed to appear for the scheduled PHC on July 6, 2026, at 1:00 PM, the ALJ delayed the PHC for 15 minutes. Ms. Renteria still did not appear. At 1:15 PM, the PHC proceeded in her absence and without any appearance on behalf of Student. The PHC was recorded. Based on conversations with Elk Grove, the ALJ issues the following order:

ORDER TO SHOW CAUSE WHY THIS MATTER SHOULD NOT BE DISMISSED AND CONTINUANCE OF THE PHC AND HEARING

If the parties have not resolved the due process complaint within 30 days of the receipt of the complaint, OAH is required to issue a decision within the next 45 days, unless a continuance is granted for good cause. (20 U.S.C. § 1415(f)(1)(B)(ii); 34 C.F.R. § 300.51; Ed. Code, § 56502, subd. (f).) 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.) Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Here, Student's counsel has not diligently pursued this matter and has not appeared at the scheduled PHC or filed a PHC statement. Given Student's counsel's failure to participate in this matter and follow OAH orders, Student's counsel is ordered to show cause in writing no later than Friday, July 10, 2026, by 12:00 PM, as to why this matter should not be dismissed and explaining why she failed to appear at the July 6, 2026 PHC and failed to file a PHC statement. Student's counsel shall also address why OAH should not shift its costs for preparing for and appearing at the PHC to Student's counsel. Student's counsel's failure to timely file this written statement may result in a dismissal of this matter without any further appearances. Elk Grove may, but is not required to, file a response to Student's statement by close of business July 14, 2026. OAH will also entertain a request from Elk Grove to shift its costs to Student's counsel for appearing at the July 6, 2026, PHC and the cost of preparing a response to the OSC, if it chooses to file a response.

Given this Order to Show Cause and briefing schedule, there is good cause to continue the dates in this matter. If Student timely files their response to this Order to Show Cause and OAH determines this matter should not be dismissed, then the new dates are as follows:

PREHEARING CONFERENCE shall be held on July 20, 2026, at 10:00 AM. 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. Elk Grove's pending motion to dismiss or in the alternative to continue the hearing to allow the parties to participate in a resolution session will be addressed at the continued PHC if this matter is not otherwise dismissed.

DUE PROCESS HEARING will be held on July 28, through 30, 2026, and continue day to day at the discretion of the ALJ.

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 Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates and shall subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. Instructions for issuing and responding to [subpoenas](https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena) and optional forms for subpoenas can be found on the website at <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena>.

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 prehearing conference. 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.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings