

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026061280

ORDER GRANTING REQUEST FOR CONTINUANCE AND
SETTING MEDIATION, PREHEARING CONFERENCE, AND
DUE PROCESS HEARING

AUGUST 4, 2026

On June 26, 2026, Santa Monica-Malibu Unified School District, called Santa Monica-Malibu filed a request for due process hearing. On July 8, 2026, parties filed a joint request for a continuance and setting a mediation date with the Office of Administrative Hearings, called OAH. On July 9, 2026, OAH issued an order granting parties' requested dates setting the mediation for August 14, 2026, and hearing dates for September 1, through September 3, 2026.

On July 27, 2026, parties filed a joint request for a second continuance of the mediation and due process hearing dates due to unavailability of the parents during the

scheduled mediation because they will be out of the country. Parties provided declarations of their unavailability and stated that the earliest date that they are available for mediation is September 16, 2026, which is after the currently scheduled due process hearing, and are therefore requesting that the hearing dates also be continued. Parties provided declarations that Santa Monica-Malibu's attorney has a pre-planned vacation out of the country from September 26, through October 11, 2026. Parties are requesting that the due process hearing be held October 27, through October 29, 2026, to ensure availability of the Director of Special Education who is unavailable the week of October 19, 2026, and on October 22, 2026.

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).)

Parties have established good cause to continue the due process hearing. Parents presence at the mediation is essential to resolution of this matter.

The request is granted. Due to the length of time requested, the parties are on notice that absent extraordinarily good cause, no further continuances will be granted. The new dates are:

MEDIATION will be held on September 16, 2026, from 1:30 PM to 5:00 PM.

PREHEARING CONFERENCE will be held on October 19, 2026, at 1:00 PM.

DUE PROCESS HEARING will be held on October 27, through October 29, 2026.

The mediation, prehearing conference, 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. Prehearing conference 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.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'J. Plitt', with a stylized, cursive script.

Jessica Plitt

Administrative Law Judge

Office of Administrative Hearings