

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026061222

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING GRANTING REQUEST FOR MEDIATION AND
CONTINUANCE

AUGUST 7, 2026

On August 7, 2026, Administrative Law Judge Daniel Senter, 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 Lauren Fairbanks appeared on behalf of Student. Attorney Gabrielle Ortiz appeared on behalf of Palos Verdes Peninsula Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

REQUEST FOR MEDIATION AND CONTINUANCE

On August 6, 2026, Student filed a motion to continue the due process hearing. Student asserts that Student's attorney was only recently retained, and therefore was not able to timely file the motion and requires an additional 30 days to prepare for hearing. At the PHC, Palos Verdes did not oppose the motion.

At the PHC, Student represented that Student was interested in mediation and Student planned to file a complaint against Palos Verdes. The ALJ provided the parties with time off the record during the PHC in a private breakout room, without the presence of the ALJ, to discuss mediation and continuance.

Upon reconvening the PHC, the parties jointly requested mediation on September 15, 2026 and a continuance of the hearing to October 20, through 22, 2026. The parties confirmed they were unable to timely file a joint request for mediation and continuance, because Student's attorney was not retained with sufficient time prior to the PHC to enable her to meet and confer with counsel for Palos Verdes and to file the request before the PHC.

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; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant,

unanticipated change in the status of the case as a result of which the case is not ready for hearing. (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 mediation and continuance is granted. The parties established good cause for the late filing, given that Student's counsel was not retained with sufficient time to meet and confer with counsel for Palos Verdes and timely file the joint request. The parties established good cause for the continuance based on their joint desire to mediate. All previously scheduled dates are vacated. The case shall proceed as follows:

MEDIATION DATE is September 15, 2026, 9:00 AM to 4:30 PM.

MEDIATION will occur via telephone or videoconference.

PREHEARING CONFERENCE will be held on October 9, 2026, at 10:00 AM.

All other prehearing matters shall be addressed at the October 9, 2026, prehearing conference. All prehearing motions must be filed three business days before the PHC.

DUE PROCESS HEARING: October, 20 through 22, 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.

MOTIONS TO QUASH

On August 5, 2026, Palos Verdes filed a motion to quash subpoenas served on Allen Rivera, Rachel Dunbabin, and Chelsea Morgan for testimony. At the PHC, Palos Verdes represented that each subpoenaed individual was a current Palos Verdes employee, and Palos Verdes would make each available for hearing. At the PHC, Student withdrew each of the subpoenas that were subject of Palos Verdes' August 5, 2026, motion to quash. Accordingly, the motion to quash the subpoenas for testimony is moot. Nothing in this Order prevents Student from refiling subpoenas for testimony or Palos Verdes from refiling a motion to quash.

On August 5, 2026, Palos Verdes filed a motion to quash subpoena duces tecum for Kathleen Pedian, custodian of records. At the PHC, Student withdrew the subpoena duces tecum that was the subject of Palos Verdes' August 5, 2026, motion to quash subpoena duces tecum. Accordingly, the motion to quash the subpoena duces tecum is moot. Nothing in this Order prevents Student from refiling a subpoena duces tecum or Palos Verdes from refiling a motion to quash.

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.

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.

Daniel Senter

Daniel Senter

Administrative Law Judge

Office of Administrative Hearings