

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ARARAT CHARTER SCHOOL.
OAH CASE NUMBER 2026021103

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

AUGUST 10, 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 Marian Saad appeared on behalf of Student. Attorney Mariam Babayan appeared on behalf of Ararat Charter School. 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, Ararat filed a motion to continue the hearing to October 27, through 29, 2026. Within the motion, Ararat requested a mediation be scheduled for September 2, 2026.

At the PHC, Student joined Ararat's request for mediation and did not oppose Ararat's motion for continuance. Ararat represented that it was unable to timely file the instant motion prior to the PHC because it only received notice that the parties' earlier-filed joint request for continuance and mediation had been denied on August 5, 2026, which was after the deadline to file. The August 5, 2026, Order denied the parties' earlier-filed joint request because it was filed using a form reserved for initial requests and because the parties failed to provide good cause for a second mediation and continuance.

At the PHC, Ararat clarified that it was not a party to this matter until July 2, 2026, which was after the first scheduled mediation in this case, and it therefore had not yet had the opportunity to mediate in this matter. In addition, the parties confirmed that Los Angeles Unified School District, which was the only respondent at the time the first mediation was scheduled, had been dismissed from this case. Accordingly, Ararat asserted that the instant request represented the first joint request for mediation on behalf of Ararat and Student in this case.

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 for good cause. Ararat established good cause for the late filing, given that it had not been informed that the parties' prior joint request had been denied by the deadline to submit the instant request. Ararat established good cause for a continuance based on the parties' joint desire to mediate prior to the hearing, and given that Ararat and Student, the only remaining parties in this case, had not previously been granted an opportunity to mediate together in this case. However, the parties did not establish good cause to continue the matter to October 27, through 29, 2026.

All previously scheduled dates are vacated. The case shall proceed as follows:

MEDIATION DATE is September 2, 2026, 9:00 AM to 12:30 PM.

MEDIATION will occur via telephone or videoconference.

PREHEARING CONFERENCE will be held on September 11, 2026, at 1:00 PM.

All other prehearing matters shall be addressed at the September 11, 2026, prehearing conference. All prehearing motions must be filed three business days before the PHC.

DUE PROCESS HEARING: September 22 through 24, 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 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