

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

V.

VACAVILLE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026050179

ORDER FOLLOWING PREHEARING CONFERENCE AND
GRANTING CONTINUANCE OF PREHEARING
CONFERENCE AND DUE PROCESS HEARING BY
VIDEOCONFERENCE

AUGUST 12, 2026

On August 10, 2026, Administrative Law Judge Sabrina Kong, 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 Gail Hodes appeared on Student's behalf. Attorney Jan Tomsy appeared on Vacaville Unified School District's, Vacaville, behalf. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order.

Student filed the due process complaint on May 1, 2026. On August 5, 2026, Vacaville filed a request to continue the hearing from the week of August 18, 2026. Vacaville supported its continuance request with a declaration under the penalty of perjury from Attorney Tomsy who represented that a prior filed OAH case, case number 2026010062, also had hearing scheduled to start on August 18, 2026. ALJ Linda Dowd continued hearing in the prior filed case to the week of August 18, 2026, and denied the parties' request for a longer continuance because it was not supported by good cause. Student did not file an opposition to Vacaville's continuance motion.

At the PHC, Attorney Tomsy represented the hearing in the prior filed case will be at least 10 days and requested the hearing in this case proceed on September 9, 2026. Attorney Hodes represented she would be unavailable on September 9, 2026, for hearing and requested that hearing start on September 15, 2026.

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; and
- 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).)

Vacaville demonstrated good cause for a hearing continuance because of hearing scheduled in the prior filed case, case number 2026010062. The parties agreed that hearing in this case continue to the week of September 15, 2026. Based on both parties' representations and discussions at the PHC, the ALJ agreed to continue the PHC and the hearing as follows.

PHC, HEARING DATES, TIMES, AND LOCATION

The PHC is continued to September 4, 2026, at 1:00 PM.

The hearing will take place on September 15, 16 and 17, 2026, and continue day to day at the discretion of the ALJ. The hearing shall begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered. PHC statements and motions are due to OAH no later than three business days before the PHC or with a showing of good cause why it was not timely filed.

PARTICIPANT INFORMATION SHEETS FOR THE PHC AND DUE PROCESS HEARING MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

PHC AND HEARING LOCATION

OAH is authorized to conduct PHC and due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) OAH will conduct the PHC and due process hearing by videoconference using the Zoom application. Unless otherwise ordered, participants are required to appear by videoconference using computer or device with video capability and Zoom.

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 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>.

ORDER INCLUDES ALL RULINGS

This order includes all rulings made at the PHC.

IT IS SO ORDERED.

Sabrina Kong

Sabrina Kong

Administrative Law Judge

Office of Administrative Hearings