

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026040937

ORDER FOLLOWING PREHEARING CONFERENCE

GRANTING REQUEST FOR CONTINUANCE

AUGUST 17, 2026

On August 17, 2026, Administrative Law Judge Rommel P. Cruz, 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 Danielle Augustin appeared on behalf of Student. Attorney Amy Rogers appeared on behalf of Irvine Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

CONTINUANCE

At the PHC, Irvine Unified requested to continue the due process hearing because Attorney Rogers is not available on the currently scheduled hearing dates. Attorney Rogers and Irvine Unified are scheduled to be in another hearing on the same dates for an earlier-filed case in OAH case numbers 2026030972 and 2026080146. Student objected to the continuance because a continuance would cause hardship in securing the testimony of some of her witnesses.

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. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

Hearings for earlier-filed cases take priority over hearings for later-filed cases. Irvine Unified established good cause to continue the hearing because Attorney Rodgers is unavailable for hearing in this matter due to a conflict with another due process hearing for an earlier-filed case. Accordingly, the request for continuance is granted. All dates are vacated. The parties and ALJ discussed new hearing dates and agreed to the following:

PHC will occur on August 31, 2026, at 10:00 AM. The parties filed PHC statements and need not file additional statements unless warranted. Prehearing motions are due to OAH no later than three business days before the PHC or a showing of good cause as to why it was not timely filed.

Due process hearing will occur on September 15, 16 and 17, 2026. The hearing shall begin at 9:30 AM each day, unless otherwise ordered, and will continue day to day at the discretion of the ALJ

MOTIONS

On August 12, 2026, Irvine Unified filed a motion quash a subpoena duces tecum issued by Student on Jennifer O'Malley. On August 12, 2026, Student filed a motion to quash a subpoena duces tecum issued by Irvine Unified on Paul Eisenberg. On August 14, 2026, Student filed a motion to quash a subpoena duces tecum issued by Irvine Unified on Dr. Ann Simun.

The motions to quash are taken under submission and will be addressed in separate orders.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the PHC. 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.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings