

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:
PARENTS ON BEHALF OF STUDENT

and

LOS GATOS-SARATOGA UNION HIGH SCHOOL DISTRICT

OAH CASE NUMBER 2026070165

OAH CASE NUMBER 2026060214

ORDER FOLLOWING PREHEARING CONFERENCE
GRANTING REQUESTS FOR CONTINUANCE AND LEAVE
TO WITHDRAW

AUGUST 17, 2026

On August 14, 2026, Administrative Law Judge Chris Butchko, Office of Administrative Hearings, known as OAH, held a telephonic prehearing conference. The Administrative Law Judge will be referred to as an ALJ. The prehearing conference will be referred to as a PHC. Kristin Springer, Attorney at Law, appeared on behalf of Student. Lenore Silverman, Attorney at Law, appeared on behalf of Los Gatos-Saratoga Union High School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

On August 11, 2026, Los Gatos-Saratoga filed a request to continue the due process hearing with OAH due to a conflict for its counsel and party representative on the dates set for hearing with another matter before OAH. On August 12, 2026, Parent on behalf of Student filed a joinder in the request. Counsel for Student then withdrew and was replaced by current counsel. New counsel for Student then filed a motion to continue the hearing dates to allow time for substitute counsel to learn the case and explore settlement.

Los Gatos-Saratoga's motion was filed three days before the PHC, but Student's motion was not. Student established good cause for filing the motion less than three days before this PHC in a supporting declaration setting out how prior counsel withdrew from representation on the day of the PHC and new counsel appeared and moved on that day. Both parties are seeking continuances and neither party opposed continuance at 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).)

Both the unavailability of Los Gatos-Saratoga's counsel and Student's successor counsel's need for adequate time to prepare for hearing due to the unexpected withdrawal of prior counsel constitute good cause for a continuance. The request for continuance is granted for good cause. All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on Friday, October 9, 2026, at 3:00 PM.

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 will be held on Tuesday, October 20, 2026, through Thursday, October 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.

MOTION TO WITHDRAW AS COUNSEL

On August 13, 2026, Brett Allen, Student's original counsel, moved to withdraw, citing a communications breakdown with Parents. On that same day, successor counsel filed a notice of appearance on behalf of Parents. At the PHC, Saratoga Los-Gatos did not oppose the request to withdraw. Accordingly, the request to withdraw is granted.

SETTLEMENT

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a settlement 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.

If a full and final written settlement agreement is reached after 5:00 PM the day before the 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. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH at <https://www.applications.dgs.ca.gov/oah/oahsftweb>.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received 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.

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

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 PHC.

IT IS SO ORDERED.

Chris Butchko

Chris Butchko

Administrative Law Judge

Office of Administrative Hearings