

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

HUNTINGTON BEACH CITY SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026041331

ORDER FOLLOWING PREHEARING CONFERENCE

GRANTING REQUEST FOR CONTINUANCE

AUGUST 17, 2026

On August 17, 2026, Administrative Law Judge Cararea Lucier, Office of Administrative Hearings, held a videoconference prehearing conference. The Office of Administrative Hearings is called OAH. The Administrative Law Judge is called an ALJ. The prehearing conference is called a PHC.

Attorneys Tracy Petznick Johnson and Kristin Windley appeared on behalf of Huntington Beach City School District, called Huntington Beach. Attorney Fred Peters appeared on behalf of Student. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

On April 29, 2026, Huntington Beach filed a request for a due process hearing, called a complaint, naming Parents on behalf of Student. Huntington Beach's issues involved whether its assessments of Student were legally sufficient. On May 15, 2026, OAH granted the parties' joint request for a mediation and continuance of the due process hearing. On June 22, 2026, the parties participated in mediation but were unable to resolve the dispute.

On July 30, 2026, OAH granted Huntington Beach's motion to amend the complaint and reset the hearing dates to August 25, 26, and 27, 2026. The amended complaint added issues related to two individualized education program, called IEP, team meetings and a dispute over Student's placement for the 2026-2027 school year.

On August 11, 2026, Huntington Beach retained outside legal counsel to represent it in this matter.

On August 12, 2026, Huntington Beach moved to continue the PHC and due process hearing based on the unavailability of Huntington Beach's newly retained legal counsel, as well as a desire to participate in mediation with respect to the new issues in the amended complaint. Huntington Beach's attorney is scheduled to appear in another due process hearing before OAH on August 25, 26, and 27, which was filed earlier than the current matter. Additionally, both parties believe a second mediation is necessary to resolve the dispute over the most recent IEPS and the question of Student's placement.

The motion was filed three days before the PHC. Student did not oppose the motion and also asserted a desire to participate in mediation.

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 continuance is granted for good cause, based upon a mutual desire of the parties to participate in mediation with respect to the issues in the amended complaint, and the unavailability of counsel on the currently scheduled hearing dates. All previously scheduled dates are vacated. The case shall proceed as follows:

MEDIATION will be held on September 25, 2026, 1:30 PM to 5:00 PM.

MEDIATION will occur via videoconference.

PREHEARING CONFERENCE will be held on October 2, 2026, at 10:00 AM.

All other prehearing matters shall be addressed at the October 2, 2026 PHC. All prehearing motions must be filed three business days before the PHC.

DUE PROCESS HEARING will be held on October 13, 14, and 15, 2026.

The hearing will be conducted via 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 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. 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

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.

Cararea Lucier

Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings