

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SANTA CLARA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026051056

ORDER GRANTING REQUEST FOR SECOND MEDIATION
AND CONTINUANCE OF DUE PROCESS HEARING

AUGUST 20, 2026

On May 22, 2026, Student filed a request for due process hearing with the Office of Administrative Hearings, called OAH, naming Santa Clara Unified School District, called Santa Clara. On June 18, 2026, the parties jointly requested mediation and a continuance of the due process hearing. On June 19, 2026, OAH granted the request. On August 3, 2026, the parties successfully participated in mediation and reached an interim agreement for a temporary placement. The due process hearing is scheduled to begin September 1 through 3, 2026.

On August 18, 2026, the parties filed a joint request for a second mediation and continuance of the due process hearing. The parties want to implement the interim

agreement, place Student for 60 days, and meet at an IEP team meeting to discuss the new data and information.

The parties seek a mediation date of November 19, 2026, and a due process hearing date of December 15, 2026, anticipated to last eight days.

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).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. Good cause exists due to the parties' request for a second mediation. The parties are hopeful the second mediation could resolve the issues in a

nonadversarial atmosphere. Alternate dispute resolution and mediation are encouraged in special education matters, even when a due process hearing has commenced. (Ed. Code, §§ 56500.3, 56503.)

The request is granted. All dates are vacated. This matter will be set as follows:

MEDIATION DATE is November 19, 2026, 9:00 AM to 4:30 PM

MEDIATION will occur via telephone or video.

PREHEARING CONFERENCE will be held on December 7, 2026, at 3:00 PM.

DUE PROCESS HEARING will be held on December 15, through 17, 2026.

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure their availability to testify. Good cause for witness unavailability is not established by failing to properly notify or subpoena a witness. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with evidence of good cause why it was not possible to file the motion by that date.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

The hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law

Judge. Prehearing conference statements and motions are due to OAH no later than three business days before the prehearing conference or with a showing of good cause why it was not timely filed.

IT IS SO ORDERED.

Deborah Myers Cregar

Deborah Myers-Cregar

Administrative Law Judge

Office of Administrative Hearings