

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PALO ALTO UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2026040611

ORDER FOLLOWING PREHEARING CONFERENCE

GRANTING REQUEST FOR CONTINUANCE

AUGUST 25, 2026

On August 24, 2026, Administrative Law Judge Katherine Roe, Office of Administrative Hearings 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. Nicole Mirkazemi, Attorney at Law, appeared on behalf of Palo Alto Unified School District, called Palo Alto. Parent 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 August 20, 2026, Palo Alto filed a request for continuance. On August 24, 2026, Student filed a request for continuance. This is the third continuance in this matter. Palo Alto contends that the hearing should be continued because counsel will be in hearing for OAH case 2026050272, beginning August 25, 2026, which is expected to continue into the following week. This is a later filed case. Student contends that the hearing should be continued due to ongoing hardship related to a family death in July and a family member's illness. During the PHC both parties were heard as to the requested continuance. Student is scheduled for an Independent Educational Evaluation (IEE) with Sandra Burke of Morrissey Compton on September 19, 2026. The examination was rescheduled from July 2026. Ms. Burke did not have any availability in August 2026. Palo Alto did not oppose a continuance until after the IEE.

Palo Alto's motion was timely filed three days prior to the prehearing conference. Palo Alto also submitted a copy of Student's request for continuance to OAH the same day it filed its own motion.

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).)

Student established good cause to continue the due process hearing. An issue in this matter is whether Palo Alto may exit Student from special education and related services without parental consent. The IEE is relevant to the issue pled and will either corroborate or provide counter evidence to the Complaint. Student must expeditiously move forward with the IEE and work with the evaluator to ensure that the evaluation is timely completed. The parties should not expect additional continuances to be granted absent extraordinary circumstances. All previously scheduled dates are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on October 12, 2026, at 3:00 PM.

All other prehearing matters shall be addressed at the October 12, 2026, prehearing conference. All prehearing motions must be filed three business days before the PHC.

Due Process Hearing: October 20, through 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.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Aug 25, 2026 12:20:32 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings