

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026071235

ORDER FOLLOWING PREHEARING CONFERENCE, SETTING
ORDER TO SHOW CAUSE REGARDING FAILURE TO
APPEAR AT THE PREHEARING CONFERENCE, AND
CONTINUING PREHEARING CONFERENCE AND DUE
PROCESS HEARING

SEPTEMBER 9, 2026

On September 4, 2026, Administrative Law Judge Ted Mann, 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.

Student's mother and father, called "Parents", representing Student as self-represented parties, did not appear on behalf of Student. Kristin Myers, Attorney at Law, appeared on behalf of William S. Hart Union High School District. The PHC was recorded. Based upon discussion with the party present, the ALJ issues the following order:

ORDER TO SHOW CAUSE HEARING REGARDING CASE DISMISSAL

On July 30, 2026, OAH served the Scheduling Order on Parents. The Scheduling Order included information regarding the PHC in this case, in particular noticing the PHC for September 4, 2026 at 3:00 PM. Additionally, Parents are well familiar with the OAH litigation process and, in particular, the PHC process from their prior cases before OAH. Those prior cases number at least six since the beginning of 2026.

Because Parents did not attend the PHC, an Order to Show Cause Hearing Regarding Case Dismissal is set for September 25, 2026, at 3:00 PM. The parties are ordered to appear by videoconference on that date, and Student shall show cause why this matter should not be dismissed for Student's failure to appear at the September 4, 2026 PHC.

Additionally, Parents shall file a statement with OAH explaining why neither parent appeared at the September 4, 2026, 3:00 PM PHC. The Parents' statement shall be filed with OAH and served on William S. Hart no later than 5:00 PM on September 21, 2026. William S. Hart may file a responsive statement with OAH, and serve it on Parents, no later than 5:00 PM on September 23, 2026.

If Student does not appear at the Order to Show Cause Hearing Regarding Case Dismissal on September 25, 2026, at 3:00 PM, Student's complaint will be considered abandoned and will be dismissed for failure to prosecute, unless otherwise ordered.

If good cause is shown why this matter should not be dismissed, the PHC will proceed as set forth below.

PHC AND HEARING CONTINUANCE

The hearing was set to begin on September 15, 2026 through September 17, 2026.

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).)

Because Student did not appear at the September 4, 2026, PHC, the ALJ granted a brief hearing continuance of the PHC and hearing to allow Student to show cause why the case should not be dismissed for lack of prosecution. The ALJ also considered the availability of the party present at the PHC. The PHC and hearing are continued as follows.

PHC, HEARING DATES, TIMES

The PHC is continued to October 2, 2026, at 3:00 PM.

PHC statements and motions are due to OAH no later than three business days before the PHC or with a showing of good cause why it was not timely filed. The PHC shall be held by videoconference.

The hearing is continued to October 13, 2026 through October 15, 2026.

The hearing shall be conducted by videoconference and continue day to day at the discretion of the ALJ. The hearing shall begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered.

PARTICIPANT INFORMATION SHEETS FOR THE PHC AND DUE PROCESS HEARING MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

The parties shall immediately notify all potential witnesses of the hearing dates and shall subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. Instructions for issuing and responding to [subpoenas](https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena) and optional forms for subpoenas can be found on the website at <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena>.

FAILURE TO COMPLY

The 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.

Ted Mann

Ted Mann

Administrative Law Judge

Office of Administrative Hearings