

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LAGUNA BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026080556

ORDER FOLLOWING PREHEARING CONFERENCE
GRANTING REQUEST FOR CONTINUANCE

SEPTEMBER 21, 2026

On September 21, 2026, Administrative Law Judge Penelope Pahl, 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.

Attorney Gabriela Torres appeared on behalf of Student. Attorney Jennifer Fant appeared on behalf of Laguna Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

Laguna moved to continue the prehearing conference, and due process hearing, based the unavailability of a witness. The motion was timely filed three business days prior to the prehearing conference. This is the first continuance requested in this case. Student did not file an opposition to Laguna's motion, but argued in opposition to the continuance at the prehearing conference.

OAH must conduct a due process hearing and render a decision within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

Laguna established good cause for the requested continuance due to the unavailability of its speech pathologist. The speech pathologist is out on a medical leave and is not expected to return until approximately the first week of November. While an earlier return is possible, it cannot be confirmed. Ms. Fant has established hearing conflicts created by earlier filed cases for most weeks prior to the first week of November, 2026. The conflict identified for the first week of November 2026 is a later filed case than this was. Earlier filed cases take hearing priority. Student's counsel did not argue prejudice would result from the continuance.

The continuance is granted. All currently scheduled dates are vacated. The new dates are:

PREHEARING CONFERENCE will be held on October 23, 2026 at 1:00 PM.

DUE PROCESS HEARING will be held on November 3, 4, and 5, 2026.

The hearing and prehearing conference will be conducted via videoconference. All other prehearing matters will be addressed at the October 23, 2026 prehearing conference. All prehearing motions must be filed three business days before the PHC.

The hearing 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, Mondays and Fridays included at the discretion of the ALJ.

The parties shall immediately notify all potential witnesses of the new 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.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings