

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 2026061094

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

SEPTEMBER 30, 2026

On June 23, 2026, Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming William S. Hart Union High School District, called William S. Hart. On July 24, 2026, OAH granted the parties' joint request for mediation and hearing continuance. Mediation was set for August 31, 2026, and hearing set to start the week of October 27, 2026. On August 27, 2026, William S. Hart cancelled the mediation.

On September 24, 2026, the parties jointly filed a request for a second mediation and hearing continuance. William S. Hart's board implemented a new procedure requiring prior board approval for settlement authority before mediation, which was communicated to William S. Hart's attorney shortly before the August 31, 2026, mediation. William S. Hart's board was set to meet on September 9, 2026, after the scheduled mediation date in this case. Therefore, without authority to proceed with mediation, William S. Hart cancelled the mediation on August 27, 2026. William S. Hart sought settlement authority to mediate this case at the September 23, 2026, board meeting. The parties jointly requested another opportunity to mediate the case on the morning of October 7, 2026, and sought continuance of the hearing to the week of December 1, 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; and
- 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; and
- 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 considered the joint mediation and hearing continuance request for good cause. This is a second mediation and continuance request of a case that had been filed approximately three months ago and the parties demonstrated good cause for a hearing continuance so they can mediate the matter after obtaining settlement authority from William S. Hart's board.

A prehearing conference is called a PHC.

MEDIATION, PHC, HEARING DATES, TIMES, AND LOCATION

The mediation is set for October 7, 2026, 9:00 AM to 12:30 PM.

The PHC is continued to November 20, 2026, at 1:00 PM.

The hearing will take place on December 1, 2 and 3, 2026, 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. PHC statements and motions are due to OAH no later than three business days before the PHC conference or with a showing of good cause why it was not timely filed.

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

OAH is authorized to conduct mediation, PHC and due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) OAH will conduct the mediation, PHC and due process hearing by videoconference using the Zoom application. Unless otherwise ordered, participants are required to appear by videoconference using computer or device with video capability and Zoom.

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>.

IT IS SO ORDERED.

Sabrina Kong

Sabrina Kong

Administrative Law Judge

Office of Administrative Hearings