BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

TEHACHAPI UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026071301

ORDER GRANTING REQUESTS FOR SECOND MEDIATION AND CONTINUANCE

OCTOBER 7, 2026

On July 27, 2026, Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Tehachapi Unified School District as respondent. On August 31, 2026, the parties' first joint request for mediation and continuance was granted. The mediation, scheduled for September 28, 2026, was cancelled on September 28. 2026, due to Parent's medical emergency.

On October 6, 2028, Student filed a request to schedule a second mediation date and continue the due process hearing. The motion was entitled a joint motion, but was not signed by both parties. However, Student's counsel's declaration included a

statement that Tehachapi's counsel had read the motion and declaration and "concurs in the relief requested herein." In this instance, an exception to the rule that all parties must sign joint motions will be granted, given the sworn statement from an officer of the court. In the future, Counsel should not rely on joint motions that are not signed by all parties being acted upon favorably.

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).)

The parties established good cause to schedule a second mediation date. The medical emergency resulting in the need to cancel the prior mediation constitutes good cause for allowing the parties a second mediation date and the requested hearing dates.

The request is granted. All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on October 21, 2026, from 9:00 AM to 4:30 PM.

PREHEARING CONFERENCE will be held on November 20, 2026, at 10:00 AM.

DUE PROCESS HEARING will be held on December 1, 2, and 3, 2026.

The mediation, prehearing conference, and due process hearing will be held by videoconference, unless otherwise ordered. The due process hearing will begin at 9:30 AM on all days, and generally end at 3:30 PM, unless otherwise ordered. The hearing will continue day to day, as needed, Mondays and Fridays included, 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. Late motions will only be considered if good cause is established for the late filing.

The parties must immediately give potential witnesses the hearing dates, and must subpoena witnesses, if necessary, so they are available to testify. Failing to properly notify or subpoena a witness is not good cause to delay the hearing.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings