BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

IRVINE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026090301

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING REQUEST FOR CONTINUANCE

OCTOBER 20, 2026

On October 19, 2026, Administrative Law Judge Alexa Hohensee, 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.

Parent appeared on behalf of Student. Attorney Peter Sansom appeared on behalf of Irvine Unified School District, called Irvine. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

Irvine moved to continue the prehearing conference and due process hearing based on the unavailability of Irvine's attorney and its district representative on the dates currently set for hearing, October 27, through 29, 2026. The motion was timely filed three days prior to the PHC.

Student opposed the continuance on the grounds that his behaviors are escalating in the current placement and any delay in changing the placement is prejudicial. Irvine responded that OAH has made several stay-put rulings in this matter and determined that Student is in the proper placement pending the due process hearing and Decision.

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).)

The request for continuance is granted for good cause. Irvine's attorney and its representative are unavailable for excusable circumstances due to scheduled appearances in due process hearings in earlier-filed cases on the same dates as those scheduled in this matter. In addition, Irvine established that its attorney, its representative, or essential witnesses have appearances in earlier-filed due process hearings, or are on pre-planned vacations with unreliable internet access, every week through and until January 19, 2027.

Parent was critical of a large school district like Irvine placing responsibility for oversight of all special education disputes in one representative, which did not counter Irvine's showing of good cause. Parent was also critical of Irvine's choice of a sole practitioner to represent Irvine in special education disputes. However, with holidays approaching, it was highly unlikely Irvine could have retained an experienced law firm to prepare for this case and take it to hearing any sooner than the proposed continuance date. Lastly, Parent contended that Student's behaviors were escalating in the current Irvine program and required a change in placement as soon as possible to avoid great harm. Irvine responded that OAH has ruled in four orders that Student was in the appropriate stay put program pending the due process hearing and Decision, including two orders denying Student's motions for stay put, an amended order denying Student's motion for stay put, and a motion for reconsideration of the order denying Student's motion for stay put.

Irvine's statement is incorrect, as OAH has not yet determined Student's stay put placement. However, Parent's primary concern appears to be with Student's mainstreaming opportunities for academic and social enrichment, and Parent's references to Student's physical harm and self-injurious behaviors are vague. Parent conceded at the PHC that Parent has recently requested educational records and does

not yet have actual records of the in-class behaviors and harms alleged. In any event, Student will not attend school for three weeks of the 12-week continuance, which includes a one-week Thanksgiving break and a two-week winter break. The ALJ is unpersuaded that Student's current placement causes him such harm that it outweighs Irvine's showing of good cause for a continuance. The case will proceed as follows:

PREHEARING CONFERENCE will be held on January 8, 2027, at 3:00 PM.

All other prehearing matters will be addressed at the January 8, 2027 PHC. All prehearing motions must be filed three business days before the PHC.

DUE PROCESS HEARING will be held on January 20 and 21, 2027.

The hearing will be conducted via telephone or videoconference and will begin at 9:30 AM and end at 3:30 PM on all days, unless otherwise ordered. The hearing will continue day to day at the discretion of the ALJ.

The parties must immediately notify all potential witnesses of the hearing dates, and must 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.

MEDIATION

The parties agreed on the record to explore mediation. Irvine's attorney will provide Parent with several proposed mediation dates. If Parent is agreeable to one of those dates, Irvine's attorney will prepare a joint request for mediation for Parent's signature and filing with OAH.

Mediation is a voluntary process. The parties can refer to the Scheduling Order or the OAH website for more information.

SETTLEMENT

The parties must 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 must 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 must 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 must 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.

ORDER INCLUDES ALL RULINGS

This order includes all rulings made at the PHC.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings