BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

TEMECULA VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2026050820

OAH CASE NUMBER 2026080232

ORDER GRANTING REQUEST FOR SECOND MEDIATION, AND SECOND CONTINUANCE

OCTOBER 23, 2026

On May 19, 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 Temecula Valley Unified School District as respondent. On June 18, 2026, OAH granted the parties' first, joint request to schedule mediation and continue the case.

On August 3, 2026, Temecula Valley filed a due process hearing request naming Student as respondent. On August 5, 2026, the parties participated in their scheduled mediation. On August 11, 2026, pursuant to Temecula Valley's request, OAH granted the request to consolidate the cases.

On September 17, 2026, OAH granted Student's request to amend the complaint. On October 21, 2026, the parties jointly filed a second request for continuance and requested a second mediation.

CONTINUANCE

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).)

Here, the parties have established good cause for a second continuance due to Parent's unavailability for the November 3, 4, and 5, 2026 hearing dates scheduled. Parent has a work conflict she is unable to reschedule, or miss. As Parent is a necessary party to the hearing, her unavailability constitutes good cause for a continuance. However, Student's complaint has been pending since May 19, 2026. No explanation for why it took a month following the amended complaint scheduling order being issued to request the continuance was offered. Furthermore, no good cause for scheduling the case for hearing three months from this continuance request, to the end of January, has been offered. A continuance will be granted to allow the parties the opportunity to engage in a second mediation. However, it will not be for the length requested.

SECOND MEDIATION REQUEST

Mediation is encouraged in special education disputes. (20 U.S.C. § 1415 , (e); 34 C.F.R. 300.506; Ed Code § 56500.3.) Mediation resources are not unlimited, however. In this case, OAH previously granted the parties mediation, and they engaged in the process. Thus, granting a second mediation requires evidence of good cause supporting the request. In this case, the parties have asked for a second mediation to attempt resolution of the case post-consolidation and following Student's amended complaint filing. However, the nearly month-long interval to the second mediation is troubling, given the length of time the case has been pending; and, more so when considered in conjunction with the two- month additional delay requested for hearing following the mediation.

The request for a second mediation is granted. The requested date will be scheduled. A shorter continuance than requested is also granted, to allow the parties another mediation. No further continuances will be granted in this case without a sworn declaration establishing an emergency basis for a participant's inability to attend the hearing. Any such declaration must be accompanied by documentary evidence of the reason for the participant's inability to participate on the dates scheduled.

All previously scheduled dates are vacated. The new dates are:

MEDIATION will be held on November 20, 2026 from 1:30 PM to 5:00 PM.

PREHEARING CONFERENCE will be held on November 30, 2026 at 10:00 AM.

DUE PROCESS HEARING will be held on December 8, 9, and 10, 2026.

The mediation, prehearing conference, and due process hearing will be held by videoconference, unless otherwise ordered. 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 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.

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