BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

HACIENDA LA PUENTE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070996

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING REQUEST FOR CONTINUANCE

OCTOBER 30, 2026

On October 30, 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.

Attorney Michelle Ortega appeared on behalf of Student. Attorney Nathan Sullivan appeared on behalf of Hacienda La Puente Unified School District, called Hacienda La Puente. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

On October 28, 2026, Hacienda La Puente filed a motion to continue the due process hearing based on unavailability of its attorney, who is scheduled to appear in earlier-filed special education due process hearings on the dates currently set in this proceeding, November 10 and 12, 2026, and in the weeks following through and until December 8, 2026. Where its attorney is not scheduled to start a hearing on those dates, the hearings are estimated to take five days and run for two weeks into weeks between November 10 and 12, 2026, and December 8, 2026.

Student did not file an opposition to the motion. At the PHC, Student did not oppose the motion, but his attorney had her own scheduling conflicts, with four cases scheduled to begin on December 8, 2026. After a discussion on the record, the parties agreed to hearing dates of January 20 and 21, 2027.

The motion was not filed three days before the PHC. However, Hacienda La Puente established good cause for filing the motion less than three days before this PHC. The earlier-filed case going to hearing next week has not settled, and Student does not oppose a continuance in this matter.

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 due to the unavailability of Hacienda La Puente's attorney for excusable circumstances. All previously scheduled dates are vacated. The case will proceed as follows:

PREHEARING CONFERENCE will be held on January 8, 2027, at 1:00 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.

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