BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LAGUNA BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026080556

ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE, DEFERRING RULING ON MOTION TO DISMISS, AND GRANTING REQUEST FOR MEDIATION AND CONTINUANCE

OCTOBER 23, 2026

On October 23, 2026, Administrative Law Judge Penelope Pahl, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Attorney Gabriela Torres appeared on behalf of Student. Attorney Jennifer Fant appeared on behalf of Laguna Beach Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

RULING ON MOTION TO DISMISS DEFERRED TO HEARING

On October 20, 2026, Laguna Beach filed a motion to dismiss Student's claims asserting they are barred by the parties July, 2025 settlement agreement. On October 21, 2026, Student opposed the motion saying the terms of the settlement agreement did not bar the claims alleged in the complaint. Laguna Beach filed a reply brief on October 23, 2026.

There is no summary judgment in special education cases. The resolution of the parties' dispute as to whether the terms of the settlement agreement bar Student's claims requires consideration of evidence during a hearing. The ruling on Laguna Beach's motion is deferred to the hearing in this case.

REQUESTS FOR MEDIATION AND CONTINUANCE

The parties jointly requested to engage in mediation and requested a continuance to allow that. This is the second continuance in this case but the first request to mediate.

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 for a second continuance to allow them the opportunity to attempt mediation of their dispute. Mediation is encouraged in special education disputes. (20 U.S.C. § 1415 , (e); 34 C.F.R. 300.506; Ed Code § 56500.3.)

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

MEDIATION will be held on November 5, 2026 from 9:00 AM to 12:30 PM. Student requests a Spanish interpreter for the mediation. OAH will provide the interpreter.

PREHEARING CONFERENCE will be held on November 20, 2026, at 1:00 PM.

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

SETTLEMENT

The parties shall inform OAH in writing immediately if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH by visiting OAH Secure e-file at https://www.applications.dgs.ca.gov/oah/oahsftweb.

If a full and final written settlement agreement is reached after 4:00 PM the day prior to hearing, the parties shall 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.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received and processed 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 shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

The failure to comply with this Order may result in the exclusion of evidence or other sanctions.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings