BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026041346

ORDER FOLLOWING PREHEARING CONFERENCE AND SETTING ORDER TO SHOW CAUSE FOR HEARING REGARDING CASE DISMISSAL FOR FAILURE TO APPEAR, AND CONTINUING PREHEARING CONFERENCE AND DUE PROCESS HEARING

JUNE 8, 2026

On June 8, 2026, Administrative Law Judge Cynthia Fritz, 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.

Parent did not appear on behalf of Student. Attorney Patrick Balucan appeared on behalf of Los Angeles Unified School District, called Los Angeles. The PHC was recorded. The ALJ issues the following order:

If the parent and local education agency have not resolved the due process complaint within 30 days of the receipt of the complaint, OAH is required to issue a decision within the next 45 days, unless a continuance is granted for good cause. (20 U.S.C. § 1415(f)(1)(B)(ii); 34 C.F.R. § 300.51; Ed. Code, § 56502, subd. (f).)

An ALJ presiding over a hearing may "order a party, the party's attorney or other authorized representative, or both, to pay reasonable expenses, including attorney's fees, incurred by another party as a result of bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay." (Gov. Code, § 11455.30, subd. (a); Cal. Code. Regs., tit. 5, § 3088, subd. (a).) "Actions or tactics" is defined as including, but not limited to, making or opposing motions or filing and serving a complaint. (Gov. Code, §11455.30, subd. (a); Code Civ. Proc., § 128.5, subd. (b)(1).) "Frivolous" means totally and completely without merit or for the sole purpose of harassing an opposing party. (Gov. Code, § 11455.30, subd. (a); Code Civ. Proc., § 128.5, subd. (b)(2).) "Whether an action is frivolous is governed by an objective standard: any reasonable attorney would agree it is totally and completely without merit [citations]." (*Levy v. Blum* (2001) 92 Cal.App.4th 625, 635.) In addition, there must be a showing of improper purpose. (*Ibid.*) A finding of "bad faith" does not require a determination of evil motive. (*West Coast Development v. Reed* (1992) 2 Cal.App.4th 693, 702.)

ORDER TO SHOW CAUSE HEARING REGARDING CASE DISMISSAL

Given the short time frames applicable to this case, it is critical that the parties follow orders issued by OAH and participate in advancing the matter to hearing or

resolution. Parent's failure to participate put the timely resolution of this matter in doubt. Parent is responsible for understanding and following OAH's procedures, including making all required appearances. Failure to do so may result in the complaint being dismissed and/or paying costs. Parent was expected to appear for the PHC. Because this is a Student filed case and the Parent representing Student did not appear for the PHC, an Order to Show Cause Hearing regarding case dismissal is set for Friday, June 19, 2026, at 10:00 AM.

Additionally, Parent must file a statement with OAH, and serve it on Los Angeles Unified School District explaining why there was no appearance on June 8, 2026, PHC no later than 5:00 PM on June 17, 2026. Los Angeles Unified School District may, but is not required, to file a responsive statement with OAH and serve it on Parent, no later than 5:00 PM on June 18, 2026.

The parties are ordered to appear by videoconference on June 19, 2026, at 10:00 AM, and Parent must show cause why this matter should not be dismissed for failure to appear at the June 8, 2026, PHC.

If Parent does not appear at the Order to Show Cause Hearing on June 19, 2026, at 10:00 AM, Student's complaint will be considered abandoned and will be dismissed for failure to prosecute, unless otherwise ordered. If good cause is shown why this matter should not be dismissed, the PHC will immediately follow the Order to Show Cause hearing as set forth below.

PHC AND HEARING CONTINUANCE

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).) OAH considers all relevant facts and circumstances, including:

- the proximity of the hearing date;
- previous continuances or delays;
- the length of continuance requested;
- the availability of other means to address the problem giving rise to the request;
- prejudice to a party or witness as a result of a continuance;
- the impact of granting a continuance on other pending hearings;
- whether trial counsel is engaged in another trial;
- whether the parties have stipulated to a continuance;
- whether the interests of justice are served by the continuance or imposing conditions on the continuance; and any other relevant fact or circumstance.

(Cal. Rules of Court, rule 3.1332(d).)

Because Parent did not appear at June 8, 2026, PHC, the ALJ granted a brief hearing continuance to allow Parent to show cause why the case should not be dismissed and/or to pay costs for lack of prosecution. All current dates are vacated. The PHC and hearing are continued as follows.

The PHC is continued to June 19, 2026, at 10:00 AM.

The hearing will take place on June 30, and July 1 and 2, 2026, and continue day to day at the discretion of the ALJ. The hearing will begin at 9:30 AM each day and generally end at 3:30 PM, unless otherwise ordered. PHC statements and motions are due to OAH no later than three business days before the PHC or with a showing of good cause why it was not timely filed.

PARTICIPANT INFORMATION SHEETS FOR THE PHC AND DUE PROCESS HEARING MUST BE FILED TWO BUSINESS DAYS PRIOR TO THE DATE OF THE SCHEDULED EVENT.

The parties shall immediately notify all potential witnesses of the hearing dates and shall subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. Instructions for issuing and responding to subpoenas and optional forms for subpoenas can be found on the website at https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena.

ORDER TO SHOW CAUSE HEARING, PHC, AND HEARING LOCATION

OAH is authorized to conduct order to show cause hearings, PHCs, and due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) OAH will conduct the Order to Show Cause Hearing, PHC, and due process hearing by videoconference using the Zoom application. Unless otherwise ordered, participants are required to appear by videoconference using computer or device with video capability and Zoom.

FAILURE TO COMPLY

The failure to comply with this Order may result in sanctions, including dismissal of this matter.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the PHC.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz

Administrative Law Judge

Office of Administrative Hearings