BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

UNIVERSITY PREPARATORY ACADEMY.

OAH CASE NUMBER 2026021000

ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE GRANTING REQUEST FOR MEDIATION AND CONTINUANCE OF THE HEARING

APRIL 6, 2026

On April 6, 2026, Administrative Law Judge Laurie Gorsline, 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.

Father appeared on behalf of Student. Attorneys Brittnee Gillespie Malone and Debra Ferdman appeared on behalf of University Preparatory Academy. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

REQUEST FOR MEDIATON AND CONTINUANCE OF THE DUE PROCESS HEARING

This case was filed by Student on February 23, 2026. OAH scheduled the hearing on this matter for April 14 through 16, 2026.

On April 1, 2026, Parent moved for a continuance of the hearing on the grounds that Parent has a hearing in federal court on April 14, 2026, that directly conflicts with the hearing in this case. Parent requests that the hearing be rescheduled to on or after April 28, 2026. On March 26, 2026, Parent contacted District directly to see if it would stipulate to a continuance but did not receive a response. At the PHC, District did not oppose the continuance. The ALJ discussed mediation, and both parties stated they would like to mediate the case and agreed upon a date for mediation and new PHC and hearing dates. The parties were unable to timely agree upon dates and file a joint request for mediation because counsel for District was not retained until after the deadline for filing such motions.

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, for example, the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; 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. (Cal. Rules of Court, rule 3.1332(d).)

After considering all the circumstances, the ALJ finds good cause for the requested continuance, specifically, that Parent's federal court hearing conflicts with the hearing date in this case and there have been no prior continuances. The ALJ also finds good cause for the late request for mediation given that District's counsel was just retained, and further good cause for the hearing continuance based upon the requested opportunity to mediate. All previously scheduled dates are vacated. The case shall proceed as follows:

MEDIATION DATE is April 27, 2026, 9:00 AM to 12:30 PM.

PREHEARING CONFERENCE will be held on May 22, 2026, at 10:00 AM.

MEDIATION AND PREHEARING CONFERENCE will occur via telephone or videoconference.

All other prehearing matters shall be addressed at the next PHC. The ALJ has included as part of this Order, written instructions regarding exhibits because Father has started uploading documents into Case Center and the ALJ has informed Father that OAH has protocols for uploading exhibits into Case Center which the parties must comply with.

All prehearing motions must be filed no later than three business days before the next PHC.

DUE PROCESS HEARING will be June 2 through 4, 2026.

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

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

EXHIBITS

The parties should refrain from filing their hearing exhibits with OAH. The only exhibits that should be filed with OAH are exhibits supporting motions or oppositions to motions. Pleadings should not have exhibits. Instead, exhibits which the parties want to use as evidence at the hearing shall be uploaded into Case Center as set forth below.

The parties shall serve their exhibits on each other in compliance with Education Code section 56505, subdivision (e)(7). The parties shall upload their exhibits electronically according to the Order Setting Procedures for Filing Exhibits Electronically. Timely uploading electronic hearing exhibits five business days before the first day of hearing constitutes that party's timely exchange of evidence in compliance with Education Code section 56505, subdivision (e)(7). If further assistance is needed, please contact OAH at OAHSEOps@dgs.ca.gov.

Except for good cause shown, or unless used solely for rebuttal or impeachment, any exhibit not timely exchanged as required by Education Code section 56505, subdivision (e)(7) shall not be admitted into evidence at the hearing unless the ALJ rules that it is admissible.

IDENTIFYING EXHIBITS AND PAGE NUMBERS

Each exhibit must be identified by a letter and number. Student must use the letter S before the number to identify Student's exhibits. District must use the letter D before the number to identify its exhibits. For example, S-1 means Student's exhibit 1, and D-1 means District's exhibit 1. A cover sheet with this identifying letter and number should be the first page of each exhibit. The electronic evidence program will automatically number the exhibits and additional page numbering or bates-stamping should not be added.

CONTENT

Each exhibit must consist of one document. Separate documents may not be combined into one exhibit. Emails may be consolidated into one exhibit if they are part of a single chain of messages. Exhibits should be in chronological order with the oldest document first.

Parties should include resumes or curriculum vitae for each witness expected to testify as an expert.

District's exhibits must include a copy of the school calendar for each school year in question, including the extended school years.

For assessment plans, the parties shall include all signatures pages, if any, demonstrating when the assessment plan was sent, and if, and when Parent signed the assessment plan.

For IEPs, the parties shall include all signatures pages, if any, demonstrating who attended each IEP, and if, and when, Parent consented to each IEP.

Electronic copies of exhibits filed with OAH shall be filed by 5:00 PM at least five business days before the first day of hearing. Please refer to the General Order OAH issued with the Scheduling Order that contains the Order Setting Procedures for Filing Exhibits Electronically. It includes instructions for how to file exhibits electronically. Beginning three business days before the hearing, the electronic evidence system will not allow parties to upload exhibits unless permitted by the ALJ during the hearing at the ALJ's discretion.

RECORDINGS AS EXHIBITS

Recordings may not be uploaded electronically without the ALJ's permission. The ALJ has discretion to admit or exclude evidence in the form of a recording. Any request to submit a recording shall be considered at the time of hearing.

The ALJ may grant or deny the request or grant the request subject to certain conditions. The party offering the recording must establish that all or a part of the recording is relevant. The ALJ may request a transcript of the portion of the recording requested or have the party offering the recording to provide an exact identifiable portion of the recording the party seeks to admit. The identities of any person speaking on the portion of the recording being introduced must be established. An ALJ may allow the opposing party to offer additional portions of a recording to establish the context, or to rebut, the recording.

COMPENSATORY EDUCATION OR REIMBURSEMENT

A party seeking compensatory education should provide evidence regarding the type, amount, duration, and need for any requested compensatory education.

Any party seeking reimbursement for expenditures shall present admissible evidence of these expenditures, or a stipulation to the amount of the expenditures. Documents offered as evidence to support a request for reimbursement must be separated by vendor.

PARTICIPANT INFORMATION FORM

Both parties have an ongoing obligation to ensure that OAH has current information on the Participant Information Form filed with OAH and shall file an updated Form as necessary. The Participant Information Form is not served upon the opposing party. The ongoing obligation to ensure that the Participant Information Form filed with OAH is current does not change the parties' statutory obligation to timely disclose their witnesses to the other party(s) at least five business days prior to hearing. The parties must file an updated Participant Information Form to inform OAH of any changes, additions, or deletions, including the required information no later than 5:00 PM at least two business days before the first day of hearing.

MOTIONS

On April 6, 2026, Father filed a motion to clarify party status and amend the case caption. The motion states that Mother does not support or consent to this due process complaint. At the PHC, Father clarified that although he listed a second parent on his due process complaint, he only did so because the form asked for this information, but that Father is the only parent who filed this action and Mother is not a named party to this case. Father requests that OAH reflect this moving forward on the case caption. District did not oppose the request. That request is granted.

However, District states that it has concerns Father does not hold Student's educational rights. The ALJ stated that there was no motion pending filed by District on

this issue. District stated that it intended to file a motion regarding this issue well in advance of the next PHC. Father shall have three business days to file any opposition to District's motion.

Father stated that Student has a claim he did not include in his due process complaint because he did not know about it and he sought to amend the complaint to include it. The ALJ informed Father that motions to amend had to be made in writing, along with the filing of a proposed amended pleading with all claims in a single document. The ALJ informed the parties that in the event a written motion to amend was filed which was granted, OAH will reset the timelines, which meant that the PHC and hearing dates could be changed. Father requested permission to just add this new claim to the current complaint as a supplemental claim. That oral motion was denied on the record at the PHC because it violated OAH procedures for amending pleadings.

SETTLEMENT

The parties are encouraged to continue working together to reach an agreement before the due process hearing. 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 this 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.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings