BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025070906

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

AUGUST 29, 2025

On August 29, 2025, 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.

Nicole Hodge Amey, Attorney at Law, appeared on behalf of Student. Nicole Mirkazemi, Attorney at Law, appeared on behalf of Palo Alto Unified School District. The

PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

REQUEST FOR MEDIATION AND CONTINUANCE OF THE DUE PROCESS HEARING

This case was filed by Student on July 24, 2025, and is set for hearing on September 9 through 11, 2025. There have been no prior continuances. On August 26, 2025, OAH denied without prejudice Student's motion to continue the hearing. Although there was good cause for the continuance based on Student's attorney currently being in a hearing which will conflict with the hearing in this case, the parties did not agree upon new hearing dates.

At the PHC, Student renewed the continuance request. The parties also jointly requested mediation be set on October 29, 2025, and agreed upon new hearing dates.

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).)

The request for mediation and continuance of the hearing is granted. Based on all the circumstances, the ALJ found good cause for the late mediation request, and good cause for the requested continuance based on the request to mediate and the conflict in hearing dates between this case and counsels' other cases. Both attorneys were reminded that mediation requests should be filed at least three business days before the PHC. All previously scheduled dates are vacated. The case shall proceed as follows:

MEDIATION DATE is October 29, 2025, 9:00 AM to 12:30 PM.

PREHEARING CONFERENCE will be held November17, 2025, at 10:00 AM.

DUE PROCESS HEARING will be held December 2 through 4, 2025.

The mediation, prehearing conference and due process hearing will occur via telephone or videoconference. The due process hearing shall begin at 9:30 AM on all days unless otherwise ordered. The hearing shall continue day to day, as needed at the discretion of the Administrative Law Judge.

PARTICIPANT INFORMATION SHEETS FOR MEDIATION AND PREHEARING CONFERENCES AND HEARINGS 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.

PREHEARING CONFERENCE STATEMENTS

Student's prehearing conference statement failed to comply with the Scheduling Order, requiring Student to include a concise statement of the issues to be decided by OAH. Student's attorney was reminded that many of Student's issues are required to be analyzed using the "snapshot" rule. (See, *Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149, citing *Fuhrmann v. East Hanover Board of Education* (3d Cir. 1993) 993 F.2d 1031, 1041.)

As reflected on the record, both parties are ordered to timely file new prehearing conference statements before the next PHC. The ALJ reviewed each of the issues with the parties during the PHC and explained why they did not clearly and concisely identify all the issues for hearing. Student's prehearing conference statement shall comply with the instructions made by the ALJ during the PHC, including but not limited to, clearly identifying the date of the IEPs at issue, where applicable, in addition to providing all the other information the ALJ stated was missing to clarify the claims Student seeks to have OAH adjudicate.

DISMISSAL OF CLAIMS OUTSIDE OF OAH JURISDICTION

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), called the IDEA, is to "ensure that all children with disabilities have available to them a free appropriate public education," and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a

free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

OAH does not have jurisdiction to decide claims based on Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d, et seq.), the Americans with Disabilities Act (42 U.S.C. §§ 12101, et seq.), or claims for relief under other related civil rights statutes. Yet, in the issue, labeled "Issue No. 4" on page 54 of the complaint, Student alleges violations of these statutes. OAH does not have jurisdiction to resolve these claims. Accordingly, the claims made in Issue No. 4 are dismissed.

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 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.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings