BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

JEFFERSON UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2026041207

ORDER CONTINUING PREHEARING CONFERENCE AND HEARING AND TO SHOW CAUSE FOR FAILURE TO APPEAR

JUNE 10, 2026

On April 23, 2026, Student filed a request for a due process hearing naming Jefferson Union High School District. On April 28, 2026, OAH issued a Scheduling Order, setting times and dates for a prehearing conference, referred to as a PHC, and the due process hearing. The PHC was scheduled for 10:00 AM on Friday, May 29, 2026.

On May 20, 2026, Jefferson Union's attorney, Candice Saadian, filed a form entitled "Request to Continue Hearing Dates" with OAH. Jefferson Union requested no change in the hearing dates but requested a continuance of the PHC from May 29, 2026 to Friday, June 5, 2026 at 10:00 AM. The explanation for the continuance stated: "We will have a signed agreement and will be submitting the dismissal form the morning of

June 3, 2026." The form was signed by attorney Saadian, but did not have any signature on behalf of Student, although Student had filed the underlying request for a due process hearing. The filing did not contain proof of service. Later, proof of service, showing service of the request on the Student on May 27, 2026, was filed by Jefferson Union on May 27, 2026.

OAH issued an Order denying Jefferson Union's request on the morning of May 29, 2026, prior to the scheduled 10:00 AM PHC of that date. The ALJ found that Jefferson Union's request lacked good cause and failed to comply with OAH procedures in numerous ways.

On May 29, 2026, Administrative Law Judge Ted Mann, Office of Administrative Hearings held a PHC by videoconference. The Administrative Law Judge will be referred to as an ALJ.

Student's mother, called Parent and a self-represented party, appeared on behalf of Student. There was no appearance by Jefferson Union. Two requests for attorney Saadian, Jefferson Union's attorney for the PHC, to join the Zoom event in progress were sent by email. An automated written response was received from attorney Saadian through email that stated: "Please note that I will be out of the office on Friday, May 29th. I will respond to your message when I am back on the office on Monday, June 1."

Following the May 29, 2026 PHC, an order was issued rescheduling the PHC and OSC that had been scheduled for May 29, 2026. The rescheduled PHC and OSC was set for Friday, June 5, 2026 at 1:00 PM. The parties were ordered to appear for the PHC and Jefferson Union was also ordered to file a written brief explaining the failure to appear.

On June 3, 2026, counsel for Jefferson Union filed a notice of dismissal with OAH. The request for dismissal was signed only by Jefferson Union's counsel. No signature on

behalf of Student, nor any other indicia of approval on behalf of Student, was included as part of the request to dismiss. A dismissal submitted by, and only signed by a responding party, has no effect on a student filed case. OAH did not issue a notice of case dismissal to the parties.

On June 5, 2026, at 1:00 PM, ALJ Ted Mann held a PHC by videoconference. There was no appearance by either Student or Jefferson Union. Multiple requests for attorney Saadian, Jefferson Union's attorney for the PHC, to join the Zoom event in progress were sent by email at approximately 1:03 PM, 1:07 PM, 1:15 PM, and 1:20 PM. Two requests for Parent to join the Zoom event in progress were sent by email at approximately 1:03 PM and 1:20 PM.

On June 9, 2026, counsel for Jefferson Union filed a document with OAH including a settlement agreement and release of all claims. There was no accompanying request by Student to dismiss their case.

Based upon the foregoing facts, the ALJ issues the following order:

ORDER TO SHOW CAUSE

Under certain circumstances, an ALJ presiding over a special education proceeding is authorized to shift expenses from one party to another, or to OAH. (Gov. Code, §§ 11405.80, 11455.30; Cal. Code. Regs., tit. 5, § 3088; see *Wyner ex rel. Wyner v. Manhattan Beach Unified School Dist.* (9th Cir. 2000) 223 F.3d 1026, 1029 ["Clearly, [California Code of Regulations] § 3088 allows a hearing officer to control the proceedings, similar to a trial judge."].) A party may be ordered to pay expenses of a party, or OAH as a result of "bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay. . . . " (Cal. Code Regs. tit. 5, § 3088, subd. (a).) A party may also be ordered to pay costs for failure or refusal, without substantial

justification, to comply with an order of the presiding officer. (Govt. Code § 11455.10.) Only the ALJ presiding at the hearing may place expenses at issue. (Cal. Code. Regs., tit. 5, § 3088, subd. (b).)

Here, the Jefferson Union's failures to attend the May 29, 2026 PHC and June 5, 2026 PHC were without apparent cause or excuse, and in direct violation of the Scheduling Order and other Orders in this case.

Jefferson Union is ordered to show cause why Jefferson Union's attorney, Candice Saadian, should not be required to pay OAH's costs as to the May 29, 2026 PHC and June 5, 2026 PHC. Jefferson Union is ordered to file a written response with OAH by no later than 5:00 p.m. on June 22, 2026 regarding the failures to appear. A copy of the response shall be served upon Student. Student is not expected to file a written response.

Jefferson Union's response shall address why Jefferson Union's attorney did not appear at either PHC despite notice of the proceeding in the Scheduling Order and other orders. Jefferson Union's written response shall address why OAH should not order Jefferson Union to pay OAH's expenses for the ALJ's preparation for and attendance at the May 29, 2026 PHC and June 5, 2026 PHC, and for the prior order to show cause and the instant order to show cause.

The order to show cause hearing shall take place by video conference on Friday, June 26, 2026, at 10:00 AM. Failure of Jefferson Union's representative to appear by videoconference at the order to show cause hearing on June 26, 2026, may result in additional sanctions.

HEARING DATES, TIMES, AND LOCATION

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.)

Good cause to continue a hearing may include:

- An essential lay or expert witness is unavailable because of death, illness, or other excusable circumstances;
- A party is unavailable because of death, illness, or other excusable circumstances;
- A party's attorney is unavailable because of death, illness, or other excusable circumstances;
- A new attorney substitutes in, but only if the party establishes that the substitution is required in the interests of justice;
- A new party is added, and the new party has not had a reasonable opportunity to prepare for trial, or other parties have not had a reasonable opportunity to prepare for trial regarding the new party's involvement;
- A party is unable to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- The case has a significant and unexpected change which makes the case not ready for trial.

Generally, continuances are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

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

Here, there is good cause for a second short continuance to allow the twice rescheduled PHC to be continued to June 26, 2026. The further hearing on the order to

show cause will be held at the same time. The current hearing dates of June 16, 2026 through June 18, 2026 are vacated. The case shall proceed as follows:

PREHEARING CONFERENCE will be held on Friday, June 26, 2026, 10:00 AM, immediately prior to the hearing on the order to show cause set for the same time and date.

All other prehearing matters shall be addressed at the June 26, 2026 PHC. All prehearing motions must be filed three business days before the PHC.

Due Process Hearing: July 7, 2026 through July 9, 2026.

The hearing will be conducted via videoconference 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.

SETTLEMENT

If the parties have reached a settlement, prior to the PHC Student shall file a signed request for dismissal, bearing the signature of Student's mother, the legal representative for Student appearing as a self represented party. The case manager, Vanessa Munoz, may be able to assist the Parent with obtaining the appropriate form and filing it though the OAH SFT system. Filing a dismissal will vacate the PHC and

hearing dates, but will not vacate the order to show cause hearing set for June 26, 2026. Counsel for Jefferson Union must attend the hearing on the order to show cause.

FAILURE TO COMPLY

Failure to comply with this order may result in the exclusion of evidence or other sanctions, including cost shifting.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings