BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MORAGA SCHOOL DISTRICT.

OAH CASE NUMBER 2025110028

ORDER FOLLOWING PREHEARING CONFERENCE GRANTING REQUEST FOR CONTINUANCE OF PREHEARING CONFERENCE AND DUE PROCESS HEARING

FEBRUARY 17, 2026

On February 13, 2026, Administrative Law Judge Robert G. Martin, 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 appeared on behalf of Student. Attorney Erin Frazor appeared on behalf of Moraga Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

At the prehearing conference, Parent requested a continuance of the prehearing conference and due process hearing based on the withdrawal of Student's attorney of record from this case on February 10, 2026. Parent requested the continuance to allow Parent time to obtain a new attorney to represent Student. Moraga did not oppose Student's motion. The parties previously participated in mediation on January 6, 2026, and did not request further mediation.

The motion was not filed with OAH three days before the PHC. However, Parent established good cause for bringing the motion less than three days before this PHC, because the withdrawal of Student's attorney occurred just three days before the PHC, and Parent, who is not an attorney, was unfamiliar with how to proceed.

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 substitution of an attorney when the substitution is required in the interests of justice or another significant, unanticipated change in the status of the case making the case 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 ALJ granted Student's request for a continuance at the PHC for good cause, it being in the interest of justice to allow Parent time to obtain an attorney to represent Student, after the recent withdrawal of the prior attorney of record. All previously scheduled dates were vacated. The prehearing conference and due process hearing are reset as follows:

PREHEARING CONFERENCE: March 20, 2026, at 1:00 PM.

All other prehearing matters shall be addressed at the March 20, 2026 prehearing conference. Student did not file a PHC statement for the February 13, 2026 PHC, and must file a timely PHC statement not less than three business days before the March 20, 2026 PHC. District may file a second PHC statement for the March 20, 2026 PHC if it wishes, but is not required to do so. Any prehearing motions either party wishes to file must be filed three business days before the PHC.

DUE PROCESS HEARING: April 2, 2026.

The parties and ALJ discussed continuing the hearing to March 31 through April 2, 2026. However, March 31, 2026 is a state holiday, and OAH does not schedule hearings to start on the day after a holiday. The hearing will be conducted via telephone or 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 thereafter, Tuesday through Thursday, 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

The parties shall immediately inform OAH in writing if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. If the parties reach a

settlement 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.

If a full and final written settlement agreement is reached after 5:00 PM the day before the 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. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH at https://www.applications.dgs.ca.gov/oah/oahsftweb.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received 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

Failure to comply with this order may result in the exclusion of evidence or sanctions.

IT IS SO ORDERED.



Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings